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International Court of Justice

H0115-0002

Official Transcript of The International Military Tribunal in the matter of: The United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, Defendants, Sitting at Nurnberg Germany, on 24th April 1946, Lord Justice Lawrence presiding.

THE PRESIDENT: Dr. Seidl.

DR. SEIDL: Mr. President, gentlemen of the Tribunal, the last document of Volume 1 was the affidavit of the witness Ernst von Palezieux, and I am asking the Tribunal to take judicial notice of it. The affidavit is given Frank No, 9, and that completes the first volume.

THE PRESIDENT: The first volume, what page?

DR. SEIDL: That was page 92 of the first volume, Exhibit Frank No. 9.

THE PRESIDENT: Yes. That is the end of the first volume, isn't it?

DR. SEIDL: Yes, that is the end of the first volume. Volumes 11, 111, and 1V of the document book comprise extracts from Frank's Diary. I do not propose to give numbers to all these extracts individually, but I am asking the Tribunal to receive the whole Diary as Exhibit no. 10, and I propose to quote only a few short extracts, such as pages 1 to 27, Mr. President. They are extracts from the diary which have already been submitted by the Prosecution.

I have put the extracts submitted by the Prosecution together, and by quoting brief passages I have tried to prove that these extracts are partly such as do not represent the true and relevant content of the diary. Those are Exhibits USA 173, on page 1 of the document book, USA 223 on page 3, USA 271 on page 8, USA 611 on page 11. On page 14 of the document book there appears to be a misprint. The USA number is not 13, but 613. That is page 14 of the document book.

THE PRESIDENT: It begins on page 13 in my copy, doesn't it?

DR. SEIDL: No, it is on page 14. It is an entry dated the 25th of January 1943.

THE PRESIDENT: Well, the document that I have got and which I think you are referring to is document 2233-PS, USA 613. That is on page 13. I don't think it makes any difference.

DR. SEIDL: In that case, that must be the error by the Translation Department, but at any rate I don't think it is important, I do refer to that quotation.

I now go to page 20 of the document book, quotations by the Soviet Prosecution. Then, on page 22 is another quotation by the Soviet Prosecution. Page 24 of the

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document book contains a quotation submitted both by the American and Russian Prosecution. It is USA 295.

Perhaps I may add that these extracts are merely a few examples. and that I am only trying to show that in a number of cases the impression must be a different one, if one either reads the entire speech or at least a larger portion of it.

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I then pass on to page 31 of the document book, an entry dated 10 October 1939, in which the defendant, Dr. Frank, is giving instructions regarding the supply of five thousand tons of grain per week to the Reich Economic Ministry -- that is on page 32 of the document book.

On page 34, entry of the 8 March 1940, and I quote the first three lines:

"The Governor General: In close connection with that is the actual governing of Poland. The Fuehrer ordered me to regard theGeneral Government as the home of the Polish people. Accordingly, no Germanization policy of any kind is possible."

I now pass on to page 41 of the document book, an entry dated 19 January, 1940, and I quote the first five lines:

"Dr. Walbaum: (Chief of the Hygiene Department): The status of public health in General Government is satisfactory. Much has already been accomplished in this field. In Warsaw alone 700,000 typhus injections have been given. This is a monstrous total, even for German conditions; it is actually a record."

The next quotation is on page 50 of the document book, an entry dated 19 February 1940.

"The Governor General is still of the opinion that the Polish law must be properly interpreted. One would have to come to some Polish type of regime and the chief of the Polish legal system would then be the appropriate person for such a task."

THE PRESIDENT: I am afraid there seems to have been some slight difference in the paging and therefore if you would give us carefully and somewhat more slowly the actual date of the document we should be able to find it perhaps for ourselves. The pages do not seem to correspond.

DR. SEIDL: Very well.

The last quotation which I read was dated 19 February, 1940.

I now pass on to a quotation from an entry of 26 February, 1940, and I quote:

"The Governor General expresses in this connection --."

This is on page 51 in my book. This entry is of the 26 February, 1940.THE PRESIDENT: It is on page 40 in our book.

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DR. SEIDL: "The Governor General expresses in this connection the wish of Field Marshal General Goering to establish the German administration in such a way that Polish life as such be secured. Warsaw should not give the impression of a city becoming a subject of Germanization but rather that Warsaw according to the Fuehrer's will, should be one of the cities which within the framework of the constitution intended for Poland should continue to exist as a Polish community organization."

A further entry dated 26 February 1940 deals with the question of universities and high schools. I quote:

"The Governor General points out in this connection that the universities and highschools have been closed. However, for the duration it would become impossible to prevent the continuation of medical education. The Polish trade school system should also be brought under way again, and that by participation of the city."

Next I quote from my document book on page 56. It is an entry of the 1st of March, 1940.

"The Governor General announces in this connection that the directive had now been issued to leave an open road for Polish development as far as possible within the interests of the German Reich. The present attitude was that the General Government was the home of the Polish people."

A further entry deals with thequestion of the transfer of workers to the Reich territory. It is on page 60 of my book, entry of 19 September 1940 -- I beg your pardon, 12 September 1940.

THE PRESIDENT: Wait a moment. You mean the first of September, do you?

DR. SEIDL: The 12 of September -- no, I beg your pardon, I should be 12 March, there is a misprint, 12 March, 1940, page 197 of the diary. I quote:

"Governor General, Dr. Frank, emphasizes that, although one could get a sufficient number of workers together by force, after the methods of the slave trade, by using a sufficient number of police and by procuring sufficient means of transportation, the use of propaganda, however, for a number of reasons deserves preference under all the circumstances."

The next quotation is on page 68 in my book; it is an entry of April 23, 1940. I quote the last five lines:

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"The Governor General states that the General Government is only pursuing the aim of offering the Polish nation protection in an economic respect alone. He would almost be willing to assume that one can achieve better results with Poles than with autocratic trustees."

I now pass to page 71 of my book, which is an entry dated 25 May, 1940. In this connection the G overnor General states to the President of the Polish Court of Appeals for the district Radom, and I wish to quote the last four lines:

"We do not wish a war of extermination. The protection of the Reich over the Polish people in the German zone means for you the possibility of adhering to and developing the traditions of your people."

I nowcome to page 77 of my document book; it is an entry from the volume of July to September, page 692 and I quote:

"The Governor G eneral referred to the still existing food difficulties in the General Government."

This is addressed to Major General Kuechler.

" ...that he ask the General to see that the newly arrived troops with their provisioning and other requirements did not place a burden on the food situation of the General Government. Above all, every kind of confiscation should cease."

I pass on to page 85 and 86, entries in volume three, July to September, 1940, page 819 of the diary. This entry deals with the establishment of the medical academy which was planned by the Governor General and I am asking the Tribunal to take judicial notice of it.

The next quotation is on page 85 of the document book, an entry dated October 9, 1940, from the speech of the Governor General on the occasion of the opening of the autumn fair at Radom and it appears on line 5.

THE PRESIDENT: Dr. Seidl, the important things for us are the page in the diary and the date. We seem to have the pages in the diary and the dates so if you will tell us them that will be of the greatest help to us.

DR. SEIDL: The date is October 9, 1940, it is page 966-967 of the diary and I quote line six:

"It is clear that if we wish to internationalize we must first Germanize."

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The next quotation --

THE PRESIDENT: The translation in our book of that sentence is:

"It is clear that we neither want to denationalize nor shall we Germanize."

DR. SEIDL: There must have been an error in the translation.

THE PRESIDENT: In which tanslation, in the one I have just read out?

DR. SEIDL: In the English translation. I shall now quote correctly --

"It is clear that we do not either wish to denationalize nor shall we Germanize. Everything else would be senseless."

THE PRESIDENT: That is what I read. Well, it is right in our book anyhow.

DR. SEIDL: What the Governor General wants to say is that we did not wish to deprive the Poles of their national character and that we did not want to make them into Germans.

I now pass on to an entry dated October 27, 1940, pages 1026 to 1027 of the original diary. It refers to a conference with the Reich Labor Minister and I quote part thereof:

"He, the Governor General, had complained to the Fuehrer about the fact that Polish agricultural workers had their wages reduced by fifty per cent. Apart from that their wages had been used for a purpose which was contrary to the spirit of this exchange of workers."

The next quotation is dated 29 November, 1940. It is on page 1085 in volume 4, I quote:

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"Professor Watzke further declares that at that time, on the part of the office of Reichsleiter Rosenberg, efforts were being made to confiscate the Polish library in Paris. The Department of Schools was of the opinion that the property of that library belonged to the State Library in Warsaw, since 17,000 volumes were already in Warsaw at the time.

"The Governor General ordered that, without delay, the transfer of this Polish library from Paris to Warsaw should be carried out."

Next is an entry under the date June 6 and 7, 1940, and this refers to an economic meeting, of which I ask the Tribunal to take judicial notice, without quoting from it.

The next quotation is dated February 25, 1940. It is a labor meeting of the department chiefs and mayors of the district of Radom. I quote from page 13:

"Thereupon the Governor General spoke, and made the following statements." It goes on, on page 13:

"I summarize all the arguments.

"1. The Government General is that part of the occupied Polish territory which is not an integral part of the German Reich.

"2. This territory is, first of all, designated to be the homestead of the Polish people by the Fuehrer. That the Fuehrer told me in Berlin, as well as Field Marshal Goering, who emphasized it again and again, namely, that this territory was not to be Germanized, it was to be regarded as the particula homestead of the Polish people and secured as such; it was to be a territory placed at the disposal of the Polish nation by the German nation, for their reservation."

The end of the speech of the Governor General comes two pages later, and I quote the last paragraph:

"And then I want to tell you one thing. The Fuehrer has urged me to secure the self-administration of the Poles as far as possible, and that the Voits and the lower levels of authority of the smaller mayors should remain in the hands of the Poles, which would be in our interest too."

I now pass on to the entry of March 4, 1940. It is the volume,

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"Meetings, February 1940 to November 1940." I am referring to page 8:

"The Governor General wishes it considered that if the labor order were to be used properly, one could exercise a slight force. A new decree coming from Berlin, which orders special measures of force and threats of penalties, is turned down by him. Measures which would cause excitement should be avoide Transport of people by force has everything against it."

The last quotation in my document book is on page 143. It is an entry dated January 27, 1941, Volume I, page 115. It is a conference with Secretary of State Dr. Buehler, and the Reich Finance Minister, Count Schwerin von Krosigk, and I quote the last paragraph:

"The efforts of all persons used in the Government General must be thanked for the fact that after extraordinary and extreme difficulties had been overcome there is now an upward development of the economic situation. The Government General, since its entire existence, had carried out the demands of the Reich with great conscientious effort. It would, therefore, be possible to make the request that in the future the Reich would not exceed the demands made on the Government General, which would make the maintenance of a proper order in the Government General possible, and which, after all, in turn, would serve the Reich."

That exhausts Volume II of the document book. I now come to Volume III, and I ask the Tribunal to turn at once to a quotation on page 17 in my book. It is an entry on the occasion of a government meeting of October 18, 1941. I quote the eighth line from the bottom; it is a statement of the Governor General:

"I shall, on one occasion, react to these demands--and these are the demands of the Reich--by saying that our strength has been exhausted and that we can no longer assume responsibility toward the Fuehrer. Any instructions, orders, or threats cannot cause me, or prevent me from saying emphatically "no" to demands which, even under the stress of war-time conditions, are no longer tolerable.

"I will not permit that which you, Mr. Naumann, expressly indicated could happen, namely, by putting large spaces as maneuver grounds at the

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disposal of the troops, and thus disrupt completely the food situation, which is already utterly insufficient."

The next quotation is on pages 36 and 37 of my document book. It is an entry dated the 16th of January 1942, and the quotation which I am referring to is on pages 65 and 66 of the diary:

"Afterwards, a short discussion takes place in the King's Hall of the Castle." It took place with the Chief of the Ukrainian Committee. I quote:

"The Governor General desires a larger employment of Ukrainians in the administration of the Government General. In all offices in which Poles are employed"--

THE PRESIDENT: Dr. Seidl, if you will give us the page in your document book now, that will be sufficient for the present, because they seem to correspond.

DR. SEIDL: Very well. May I continue, Mr. President?

THE PRESIDENT: I think so, yes.

DR. SEIDL: I then come to page 38 in the document book. This entry deals with a draft originating from Himmler, which has already been mentioned, a draft of a law for communal goods. I quote:

"The Governor General orders the following letter to be sent to Landgerichtsrat Taschner:

"Please inform Reichsminister Dr. Lammers of my opinion as follows, with my signature certified by you: I am opposed to the law for the treatment of non-German people--Gemeinschaftsfremder--and I request that a date be set, within a short time, for a meeting of the leading officials, in which it will be possible to set forth the principal legal viewpoints which today stillspeak absolutely against the details of this proposal. I shall participate in this meeting myself. In my opinion it is entirely impossible to eliminate the regular courts and to transfer to organs of the police alone such far-reaching competences. The intended Spruchstelle, or court, with the Reichssicherheitshauptamt--RSHA--cannot take the place of a regular court in the mind of the population."

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On page 39 I quote the last but one paragraph:

"For that reason I object to that draft in its present form, especially with regard to paragraph 1 of the draft of the decree for its execution."

Page 40 is an entry dated the 7th of June, 1942, which deals as well with the question of the denationalization, which had been most emphatically turned down by the Governor General. I ask the Tribunal to take judicial notice of this document.

The next quotation is on page 47, and it deals with the obtaining of the works of Chopin. I quote paragraph 2:

"President Dr. Watzke reports that it would be possible to procure in Paris the major part of Chopin's posthumous works for the State Library in Krakow. The Governor General approves of the purchase of the posthumous works of Chopin by the administration of the Government General."

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Page 50 deals with an entry in the diary which concerns the securing of the agicultural property, and I quote page 767 of the diary, second paragraph:

"It is my aim to bring about a recovery of the agricultural in Galicia with all mean even during the war. With that I have kept my promises which I gave one year ago in my proclomation to the population of this territory. Further developments of a useful nature can therefore arise through loyal cooperation of the population with the German authorities. The German administration in this area is willing and has also been given orders to treat the population in a helpful way. It will protect the loyal population of this area with the same decisive and basical firmness, with which it will suppress any attempt of resistance against the order established by the Greater German Reich. For this purpose I have issued an additional decree concerning the duties of the German administration in Galicia for the protection of the individual farmer in the field of food and agriculture."

I pass on to page 55 of the document book, where we find a speech made by the Governor General before the leaders of a Polish delegation, and I quote the last paragraph on page 56:

"I hope that the new harvest will place us in a position to assist the Polish assistance committee. Whatever can be done by us will be done, in order to reduce the suffering. It is also in our interest that the Polish population enjoy working and cooperate. We don't want to exterminate or destroy anybody."

Page 61 of the document book deals with a conference which the Governor General had with the plenipotentiary for labor, and I quote the last paragraph on page 919 of the diary:

"I also like to take this opportunity to declare to you our willingness to cooperate, Party Comrade Sauckel, and that we will do everything humanly possible. But I should like to add one request: that the treatment of Polish workers in the Reich is still subject to certain defaming restrictions."

I pass on to page 62, and quote line 10:

"I can assure you, Party Comrade Sauckel, that it would mean a tremendous help with the recruiting of workers if at least part of the defaming restrictions against the Poles in the Reich could be abolished. I believe possibilities exist in this respect."

I now go on to page 66 of the document book. This is the only entry in the

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diary of the Defendant Dr. Frank which he has signed personally. It is a memorandum about the development in the Government General after he had been relieved of all his positions in the Party and after he had repeatedly stated that he was resigning and was hoping that now at last his resignation would be accepted. I am asking the Tribunal to take judicial notice of this final survey, dated September 1942. It consists of five pages. pages 66 to 71.

The next quotation is on page 77 and deals with the securing of art treasures. I quote the fifth last line. It is a statement made by the Governor General:

"Art treasures were carefully stored and cleaned, so that approximately 90 percent of all the art treasures of the former Poland in the territory of the Government General could be secured. These art treasures are entirely the property of the Government General."

I am asking the Tribunal to turn to page 92 of that volume. It is an entry dated the 8th of December, 1942, which was made on the occasion of a meeting of department chiefs and which deals with the supply situation. I am asking the Tribunal to take judicial notice of that entry.

I turn now to the entry on page 93, where the Governor General is talking about the question of the recruiting of workers and where he most severely condemns all measures of force.

The next entry which is important to me and which I think ought to be read is on page 108. It is a press conference, and I am asking the Tribunal to turn to page 110, where I shall quote the third paragraph:

"The Governor General sums up the result of the conference and declares that with the participation of the president of the main propaganda department and the press chief of the government all points will be comprised in a regulation to be given to all chief editors of the Polish papers. The directives dealing with foreign national arrairs in the press and cultural field will be compressed into this regulation. The conciliatory spirit of the Reich serves as a guide."

I am then asking the Tribunal to turn to page 127 of the document book. It is a work meeting which took place on the 26th of May, 1943, dealing with food. I quote the sixth line from the bottom:

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"We have to keep in mind that the first problem to tackle is the feeding of the Polish population, but I want to tell you authoritatively and officially, no matter what may come, I shall introduce with the coming [illegible] rationing period in the Government General, to the largest possible number of the population, those food rations which we can defend with respect to our position toward the Reich. Nothing and nobody will divert me from this goal."

On page 131 of the document book we have an entry dealing with the supply of the non-German population. I am asking the Tribunal to take judicial notice of it and to turn to page 141 immediately. This entry, too, deals with the food situation. I quote the tenth line from the bottom:

"After examining all possibilities I have now ordered that as of the 1st of September of this year also the Polish population of this territory shall be granted a generous regulation, principally on the food situation. As of September 1st of this year we will introduce for the population of this territory such quotas as are called Warthegau quotas."

On page 142, I am asking to be given permission to quote a few sentences:

"I want to make a statement on this occasion. From the seriousness of the words you can judge what I have in mind. The men of my government, including myself, are completely aware of the needs of the Polish population in this district. We are not here to exterminate or annihilate them nor to torment a people which has already suffered a hard fate. I hope that we come to satisfactory terms in all matters that sometimes keep us apart. I personally have nothing against the Poles."

I then pass on to page 148, which deals with a conference concerned with young medical students, and I quote page 149, paragraph 2, which is a statement by the Governor General:

"First of all one could say that this first ministry of health is something entirely new. This main department ministry of health will have to deal with important problems. There is among the physicians in this territory" --

Mr. President, I have just discovered that quite possiblyan error has occurred, since these statements on page 172 were not made by the Governor General himself but by the chief of the main department health. At any rate,

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I shall clarify the question and I shall submit the result to the Tribunal in writing.

I now pass on to page 155 of the document book. It is an entry which appears vital to me. It is dated the 14th of July, 1943, and it deals with the establishment of the secretariat of state for the security system.

THE PRESIDENT: It is not in our book, apparently. We haven't got a page 155 and we haven't got a date, I think, of the 14th of July.

DR. SEIDL: 14th July, 1943. That must have been omitted. If the Tribunal would approve of this course, then I shall read the sentences in question into the record. There are only three sentences. It points out which disastrous consequences the establishment of the secretariat of state for the security system would have on the authority of the Governor General. A new police and SS government had tried to establish itself against the Governor General, which could only be suppressed with the greatest energy and at the very last moment.

I then ask the Tribunal to turn to page 166 of the document book -- an entry which deals with general questions of the Polish policy, and I am asking the Tribunal to take judicial notice of that document.

Page 193 deals with the establishment of the museum which was created by the Governor General. I quote it, page 1154 of the diary, which is an extract from the Governor General's speech:

"Today I have inaugurated the Chopin Museum in Cracow. Under the most difficult circumstances we have saved and brought to Cracow the most valuable remembrance pieces of the greatest Polish musician. I only wanted to say this in order to show you that I want to make a personal effort to put things in order in this country as far as is possible."

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The last quotation is on page 199 of Volume 2 of the document book. It is an extract from a speech which the Reichsfuehrer SS Himmler made on the occasion of the introduction of the new SS and Police Leader in Cracow, and the speech was made before the members of the government and the higher SS and Police Leaders. This is the speech which was referred to by the defendant Doctor Frank when he was examined. I quote the last line:

"The situation is known to all of you. Sixteen millions of foreigners and about two hundred thousand Germans live here. When we add to this the members of the police and Wehrmacht, perhaps three hundred thousand. These sixteen million foreigners, who were augmented in the past by a large number of Jews, but who have now emigrated or have been brought to the East, consist largely of Poles and to a lesser degree of Ukrainians."

I pass on to the last document of that volume, on page 200, the entry dated 14 December 1943. It is a speech which the Governor General made before officers of the air force, and I quote the second paragraph:

"Therefore, all should be done to keep the population quiet, peaceful and in order. Nothing should be done which unnecessarily creates unrest among the population. I mention here only one example: It would be wrong if in this territory we try to create large German settlements among this foreign peasant nation during the war. This attempt of mostly forced colonizing will first lead to tremendous unrest among the native peasant population. This in turn, with respect to performance, will bring about a tremendous loss in the harvest results and a falling off of the spring plowing and planting as well as other disadvantages It would also be wrong to take from the population by force the church or every possibility of leading a simple cultural life."

I pass on to page 201, from which I quote the last paragraph:

"We must come to a considerate treatment of those territories and their population. To my own pleasure and that of all o our colleagues, I have found that this point of view has prevaile

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and that all that was formerly said against the alleged friendship with the Poles or against the softness of this kind of view, has shrunk into nothing before the facts."

That completes Volume 2 of the document book -- I beg your pardon; I meant Volume 3. Now I come to Volume 4 of the document book.

This is on page 1 of the document book, a conference which took place on 25 January 1943 with the SS Obergruppenfuehrer Krueger. I quote the last paragraph:

"The Governor General stated that he had not been previously informed about the carrying out of the large-scale action to seize antisocial elements. This procedure was in opposition to the Fuehrer's decree of 7 May 1942, according to which the State Secretary for Security must obtain the concurrence of the Governor General before carrying out instructions by the Reichsfuehrer SS and Chief of German Police. State Secretary Krueger stated that this concerned a secret order which had to be carried out suddenly."

I am asking the Tribunal to take cognizance of the fact that this is merely a single example of many similar conferences and differences of opinion.

I now turn to page 24 of that volume of the document book. This is a meeting of the War Economic Staff and the Defense Committee on the 22 September 1943. I hope that the pages tally again

THE PRESIDENT: You said page 24, didn't you?

DR. SEIDL: Page 24, an entry of the 22nd September 1942.

THE PRESIDENT: It looks as though the paging is right. Our book is page 24 at the top, so perhaps you will continue to quote the page for a moment or two. We will see whether it goes on right.

DR. SEIDL: This is an entry dated the 22nd September 1943, a meeting of the War Economic Staff and the Defense Committee. I only quote the first lines:

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"In the course of the past few months, in face of most difficult and senseless struggles, I have had to carry through the principle that the Poles should at last be given a sufficient quantity of food. You all know the foolish attitude of considering the nations conquered by us as inferior, and that at a moment when the labor of these peoples represents one of the most important potentials of our fight for victory. Through my opposition to this absurdity, which has caused most grievous harm to the German people, I personally, and many men of my government and many of you, have incurred the charge of being friendly towards the Poles or being weak with the Poles. For years now people have not hesitated to attack my work of governing this area with the foulest arguments of this kind, and behind my back to hinder the fulfilment of these tasks. Now it has been proved as clear as day that it is insane to want to reconstruct Europe and at the same time persecute the European nations with such unequalled chicanery."

And then I pass on to page 34 of the document book, an entry dated 20 April 1943. It is a government meeting. I am merely asking the

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Tribunal to note the last final words of the Governor General's speech, page 38 of the document, page 41 of the diary.

Then I turn to page 39 of the document book. It is a meeting dated 22 July 1943, and I quote from the second paragraph, the tenth line:

"Especially difficult for us in this year was very generally the question of the resettlement. I can give you the good news that the resettling in general has been discontinued completely for the rest of the war.

"As to the relocating of the industry, we are in full swing, that is now going on. As you know,--I personally put the greatest emphasis on it--we have to bypass this emergency for the Reich and we shall take over complexes of industry into the General Government in the coming months, provided with internationally-important names.

"With this question is to be considered the almost complete change of structure of the General Government forced upon us. As up to now we have always functioned as a country supplying the Reich with laborers, and as a farm and food productive country of Europe; within a very short time we shall become one of the most important industrial territories of Europe. I remind you of names like Krupp, Heinkel, Henschel, whose industries shall be moved into the General Government."

I now ask the Tribunal to turn page 41 of the document book. It is the report which has been mentioned by the witness Doctor Buehler and which he made on the 26th of October 1943. He had stated in connection with this report that the report was dealing with four years of reconstruction in the Government General, and that it had been base on the reliable information from the various chief departments. On pages 42 to 69 of the document book the Tribunal will find the actual report. I do not propose to quote, but I ask the Tribunal to take judicial notice of it.

I turn at once to page 70 of the document book, which is a government meeting dated the 16th February 1944. I quote the last paragraph of the document book:

"As opposed to this the fact must be established that the completion, the construction, the security of that which today constitutes the importance of this area were only possible at all because against these reflections by the theoreticians of main force, so completely untimely with

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reference to the war, it was necessary to bring the substance of this area, in both a human and material sense, into the service of the German war struggle in as positive a way as could be imagined."

The next quotation is page 74, an entry dated the 6th of March 1944, and I quote the last paragraph on page 75, which is page 5 of the diary:

"The Governor General does not oppose as a matter of principle the training of the younger generation for the priesthood and for the reason that if courses for doctors, et cetera, are being established, similar opportunities must also be created in the field of religion."

Page 77 deals with an order by the Governor General prohibiting the evacuation of part of the population, that population which was in the fighting zone near Lublin.

Page 80 is an entry dated the 12th April 1944, and I quote the second paragraph:

"In this connection, President Gerteis spoke of the treatment of the Poles in the Reich. This treatment, said to be even worse than that of any other foreign workers, had led to this, that practically no Pole would apply voluntarily for work in Germany. There were 21 points on which the Polish workers in the Reich were treated worse than all other foreign workers.

"The Governor General requested President Gerteis to make known to him these 21 points for the abolishment of which he would intervene without fail."

I now ask the Tribunal to turn to page 100 of the document book. It is a conference on the 6th of June 1944 regarding a large-scale action against the partisans in the Bilgoraje Forest. On page 101,--that is page 4 of the Diary--I quote:

"The Governor General wants to be quite sure that care is taken to protect the harmless population, which was suffering itself under the partisan terror."

On page 102 we find a document which deals with the views of the Governor General on concentration camps. It is an entry dated 6 June 1944. I quote the last paragraph:

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"The Governor G eneral declared that he would never sign such a decision, as it meant the sending of the one concerned into a concentration camp. He always had protested with the utmost vigor against the system of the concentration camps, as he saw in it the greatest offence against justice, and he had thought there wouldn't exist any concentration camps for such matters, but they probably have been put into operation silently. It only could be handled in a manner that the persons would be pardoned to jail or prison for a certain number of years.

"For instance, the punishment by prison terms is considered to be a punishment to be executed and supervised by authorities of the state. He therefore requests that State Secretary Dr. Buehler should be informed that he, the Governor G eneral, would not sign such decisions. He did not wish any official confirmation of the concentration camps. There existed no pardon to the effect that it would bring some one into a concentration camp. The summary courts are a function of State Justice with an especial meaning, consisting of Police units; actually they should normally be occupied by members of the armed forces."

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THE PRESIDENT: Dr. Seidl, can you explain the translation of the words at the botton of page 202 which are in English? "It only could be handled in a mann manner that the persons would be pardoned to jail or prison for a certain number of years." Can you explain that from the point of view of meaning.

DR. SEIDL: The meaning of the words becomes clear from the statement made by President Wille in the presious paragraph and where you will find the following statement. It is the tenth line from the top. "The reprieve Commission had asked the representative of the Security Police Chief in which form this pardon should be carried out. As far as he knew, only in one case had the penalty been cancelled. In all other cases, whenever the penalty had been reduced, security police measures had been intituted. One had, therefore, become afraid that these people would disappear." Now, it was the point of view of the Government General that a reprieve, as far as the death sentence was concerned, a pardon to prison or penitentiary, was welcomed, but that he would refuse that a death sentence should be transformed into a prison sentence if the police would at the same time introduce security police measures against the person in question.

THE PRESIDENT: You mean that it meant that pardon from a death sentence might be made by a reprieve for a sentence in prison for a certain number of years, but not by sending to a concentration camp, which would be for an indefinite period and under police methods?

DR. SEIDL: Yes, that is the sense.

I now turn to page 104 of the document book, a quotation which also deals with the general treatment of the population in the Government General.

THE PRESIDENT: Dr. Seidl, you have been very much longer than you said, and the Tribunal thinks you might be able to cut down a great deal of this. It is all very much on the same lines.

DR. SEIDL: Yes. In that case, I am asking the Tribunal to turn to page 112 of the document book, an entry dated in July of '44 an entry which deals with the administration of art treasures and I quote the second paragraph:

"The Governor General gives orders to President Palezieux --"

THE PRESIDENT: You have already told us and given us some evidence to support the view that the defendant Frank was preserving the art treasures

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and was wishing them to be preserved in Poland and it is not necessary ybder those circumstances to go reading passages about it.

DR. SEIDL: Yes, I am asking the Tribunal to take notice of that entry and, if the Tribunal will agree to this course, I shall merely give you the pages of the documents and the book which appear important to me.

My Lord, there is a breakdown on channel 1 which causes so much scratching that we cannot hear the speaker I am afraid.

THE PRESIDENT: Very well, the Tribunal will adjourn

(A recess was taken.)

DR. SEIDL: May it please the Court, I should like to only give the numbers of the pages of Volume 4 of the document book which seem most essential to me. Those are the pages 115, 121, 123, 134, 139, 152, and 182; that concludes Volume 4 of the document book.

I come to the last volume which will go considerably faster. Volume 5 deals exclusively with the accusations made by the Prosecution of the United States against the defendant Frank concerning his activity as President of the Academy for German Law, as President of the National Socialist Legal Organization, and similar positions. Volume 1, page 1, is a document which has already been submitted by the Prosecution as 1391-PS. It still has no USA number and will be Exhibit Frank No. 11. It is the law on the Academy for German Law with the statues and the tasks of that Academy.

I pass on to page 25 of the document book. That quotation becomes Exhibit Frank No. 12. It deals with a sentence of which the defendant has been accused: "Right is that which is useful to the people." That quotation shall prove only that the defendant Dr. Frank with that sentence wanted to express nothing else but what was already contained in the Roman sentence: "Salus publica suprema lex" "The supreme law is what serves the people." I shall ask the Court to take cognizance of this and pass on to page 26, an excerpt from the magazine for German Law of 1938, which will be the Exhibit Frank No. 13; and this quotation also deal deals with the aforementioned sentence: "Right is that which is useful to the people."

On page 30 is an excerpt from USA Exhibit 670 and deals with the final rally, the concluding rally on the day of German law at Leipzig, where the defendant Dr. Frank held a concluding speech before 25,000 lawyers. I quote on page 31: "Only if the methods of legal protection are applied, if true judgements are passed and the legislative law ideal is clearly fulfilled that the community of the people can exist permanently. This legal method which permanently ensures the fulfillment of the tasks of the community has been given as a task to you, fellow guardians of the law. Ancient Germanic principles have come down to us through centuries.

"First. Nobody shall be judged who has not had the opportunity of defending himself.

"Second. Nobody shall lose the properties used by him in accordance with national standards, unless by decision of the judge. Honor, liberty, life proceed from work are such properties.

"Thirdly. Everyone who is under indictment, regardless of the kind of procedure, regardless of the reasons and application of whatever law must be given the possibility of taking a defense counsel who is able to make legal statements for him, he must get a hearing which is legal and objective in finding the decision."

I pass on to page 35 of the document book, which deals with a speech, an address by the defendant Dr. Frank, held on a special educational session of the main division chiefs and Reich Group Directors of the National Socialist Lawyers Organization, on the 19th of November, 1941. That becomes Exhibit Frank No. 14.

I quote only a few sentences at the top of page 37. "Therefore, it is a very serious task which we have imposed upon ourselves and wemust always emphasize that it can be fulfilled only with courage and absolute self-sacrifice. I observe the development with great attention. I watch every anti-juridical tendency. From history I know only too well -- as you all do -- the attempts to seize far reaching power because one has weapons to shoot with and because one has some authority on the basis of which one can make arrested people disappear. By this I do not mean the attempts undertaken by the SS, the SD

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and by the Central Police Office but primarily the attempts by many other agencies of the State and the Reich to exclude themselves from general jurisdiction."

I would like to quote the last five lines on page 41. Those were the last words on the occasion of that session: "One cannot debase law to a commercial item; one cannot sell it. It is there or it is not there. Law cannot be handled on the stock exchange. If justice is not supported the State loses its moral foundation; it sinks into the abyss of night and horror."

The next document is on page 42. It is first an address, one of the four large, long speeches which the defendant Dr. Frank held in 1942. This is the one had at Berlin at the University on the 8th of July 1942 and we will give it Exhibit Frank No. 15. I quote on page 44, second paragraph, seventh line:

"On the other hand it cannot be that in a state a member of the community is robbed of honor, liberty, life and property, that he is expelled and condemned without first being able to defend himself against the charges brought against him. The Armed Forces can serve us as a model in this. Every one is a free, honored member with equal rights in the community, until a judge -- standing independently above him, has weighed and judged between indictment and defense."

I then pass on to page 49 of the document book. That is the second of these four speeches which was held in Vienna and will become Exhibit No. 15.

THE PRESIDENT: We have already had Frank Exhibit 15 on page 41.

DR. SEIDL: No, I beg your pardon; it will be 16. I quote only one sentence on page 51. "With all my convictions I shall state over and over again that it would be too bad should ideals advocating a police state be presented as distinctly national socialist ideals and old Germanic ideals of jurisdiction be put into the background entirely."

Then I should like to ask the Tribunal to pass on to page 57 of the document book. The speech is by the defendant Dr. Frank at the University of Munich, on the 20th of July 1942. That receives Exhibit Frank 17. I

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quote on page 58, line 16: "But it is impossible to talk about national community and to regard the servants of the Law as expelled from this national community and to throw mud at them in the middle of the war. The Fuehrer has transferred to me the tasks of the Reich leader of the Reich Legal Office and that of the leader of the National Socialistic Legal Guardianship League, and therefore it is my duty to declare it as harmful to German racial community if lawyers are called 'cesspool animals' in the 'Black Corps'."

Then I would like to call your attention to page 67 of the document book. That is the speech held at Heidelberg on the 21st of July 1942. That will be Hans Frank 18. I ask the Tribunal to take official notice of that speech. On page 69 I quote only one sentence: "But never should there be a police state, never. That I oppose."

I come now to the last document, a document which the prosecution of the United States has already submitted under the No. USA 607, an excerpt from the diary, concluding the reflections and development of the past quarter year. In these reflections, Dr. Frank, in conclusion, states his position toward the concept of the legal state, and I ask the Tribunal to particularly take cognizance of his principal demand on page 74 and 75 of the document book. Here, Dr. Frank again stated the prerequisites which he considered necessary for the existence of any legal state.

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I quote only a few lines from page 74:

"1) No fellow German can be convicted without regular court procedure, and o the basis of a law in effect before the act was committed.

"2) The procedure must carry full guarantee that the accused will be interro gated on all matters pertaining to the indictment and that he is free to defend himself.

"3) The accused must be enabled at all stages of the trial to avail himself of the services of a defense counsel acquainted with the law.

"4) The defense counsel must have entire freedom of action and independance, in order that an even balance may be secured between the state prosecutor and th defendant.

"5) The judge or the court must make the final decision quite freely - that is, the verdict must not be influenced by any irrelevant factors - in logical consideration of the subject matter and in just application of the content of th law.

"6) When the punishment meted out by the sentence has been fulfilled, then the act had been atoned for.

"7) Measures for protective custody and security custody may not be undetake or carried out by police organs, any more than punishment of concentration camp inmates, except from this same point of view, that is, upon approval of the plan ned measure by the regular, independant judges.

"8) In the same manner, the administration of justice for fellow Germans mus guarantee full safeguarding of individual interests in all relations pertaining to civil suits proper." End of quotation.

THE PRESIDENT: Dr. Seidl, are there any passages in these documents which express the opinion that the same principles ought to be applied to others than fellow Germans?

DR. SEIDL: In this last quotation the defendant, Dr. Frank, as a matter of principle dealt with the questions of law without making any difference here be- tween Germans and members of foreign nationalities. Also, in his capacity as Governor General, pricipally and always, he objected against the transfer of Poles, Ukrainians and Jews into concentration camps; and that can be seen from a whole number of entries in the diary.

With that I have come to the end of my material in the case of Dr. Frank, The

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there are only the answers on interrogatories by witnesses whose interrogatories have been approved by the court. At a later date I shall submit these interrogatories, together with my document books, and have them translated and submit them to the Tribunal.

THE PRESIDENT: You are speaking of interrogatories where you have not yet got the answers; is that right?

DR. SEIDL: These are interrogatories where the answers have not yet been received.

THE PRESIDENT: Yes. Well, as soon as you have received them you will furnish them to the prosecution and to the Tribunal?

DR. SEIDL: Yes.

THE PRESIDENT: Dr. Pannenbecker.

DR, PANNENBECKER: (Counsel for Frick): Within the presentation of proof for the defendant Frick, I shall forego the calling of the defendant himself as a witness.

With those questions where explanation is needed, we have to deal mainly with problems of a formal authority but also with problems which lie between formal authority and actual responsibility. These are problems partly already clarified by the submission of documents.

One field, however, cannot be entirely clarified by documents, and that is the question of the actual relations of power as far as the police was concerned, but for that special field I have named the witness Dr. Gisevius. He is the only witness whose interrogation seems to be necessary in the case of Frick, Therefore, I forego the other witness.

I ask the Court's decision as to whether I shall call the witness Dr. Gisevius first or whether I should submit my documents first. If the presentation of documents should come first, I believe that I can finish it by the midday recess.

THE PRESIDENT: You can finish your documents before the adjournment, do you mean?

DR. PANNENBECKER: Yes, I believe so.

THE PRESIDENT: Untill 1:00 o'clock?

DR. PANNENBECKER: Yes.

THE PRESIDENT: Are you indifferent whether you call the witness first or whether you present the documents first?

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DR. PANNENBECKER: Yes.

THE PRESIDENT: The Tribuanl thinks perhaps it would be more convenient to give the documents first. They hope that you will be able to finish them reasonably quickly.

DR. PANNENBECKER: Yes. I believe that is possible. Numbers 1,2 and 3 of the document book deal with material concerning the problem whether the preparation for aggressive war by Hitler had to be known to the members of the Reich Cabinet. I do not have to read the documents. They have already been submitted, and they show that Hitler informed of his plans for aggression exclusively those of his assistants who for their own work had to know of these plans, but not Frick, who was responsible for internal matters.

In the framework of preparations for war, Frick was made Plenipotentiary for the Administration of the Reich by the Reich Defense Law, which has already been submitted, of the 4th September 1938, USA Exhibit Number 36.

This law does not show this position had anything to do with a conscious preparation of aggressive wars, but it shows only a collaboration in the inner administration, a general preparation and organization which could be useful in the case of a later war.

I have an excerpt from this law I mentioned, an excerpt under Number 4 of the document book Frick, in order to correct an apparent error. The defendant Frick himself has stated in an affidavit on 14 November 1945, that he had had that position od Plenipotentiary for Reich Administration since May 1935. That is the date of the first Reich Defense Law, which has already been submitted as USA Exhibit Number 24. That first Reich Defense Law of 21 May 1935, however, does not contain the position of Plenipotentiary for Reich Administration, but that comes only in the second law of the 4th of September 1938.

The second law has been submitted under USA 36. According to this erroneous statement made by the defendant Frick, which he did without seeing the two laws before him, the Prosecution has also stated that Frick had held the position as Plenipotentiary for Reich Administration since 21 May 1935, whereas, in fact, he had held it only since the 4th of September 1938. That is the date of the second law.

Documents numbers 5 and 6 of the document book have already been submitted by the Prosecution. They prove nothing else but the participation of the defendant

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Frick in the establisment of civil administration with a view to a possible future war. I do not have to read those either.

On the part of the Prosecution, the intentions for aggression of Hitler are described to have been so well known that no proof is necessary for that fact. From that assumption the Prosecution came to the conclusion that the participatio in the National Socialist Government in any field would include the sponsoring of aggressive wars. Against that, I am submitting Documents 7 through 10, which are matters of proof which have also been submitted by the Prosecution and which show that Hitler in public, as well as in private conversations, since the coming to power had a definite policy of declaring his peaceful intentions, a policy which seemed to promise peace for various reasons.

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I believe that these documents which have already been submitted to the Court have also to be considered in order to decide whether the official policy of Hitler since the coming to power was that he had intentions for aggressive war. As probative material in that direction, I should like to submit No. 11 and No. 12 of the document book, which I will number Frick Exhibits No. 1 and 2.

The first is a telegram of Cardinal Archbishop Schulte of 8 March 1936 to the Supreme Commander of the Armed Forces at the occasion of the occupation of the Rhineland in 1936. The second document is a statement of the Austrian Bishops at the occasion of the annexation of Austria in March 1938.

The first document says, and I quote:

"Cardinal Archbishop Schulte has sent to the Commander-in-Chief of the German Armed Forces, General von Blomberg, a telegram in which -- at that memorable hour when the armed forces of the Reich are reentering the German Rhineland as the guardian of peace and order -- he greets the collected fighting men of our nation with deep emotion and mindful of the magnificient example of self-sacrificing love of fatherland, stern manly discipline, and upright fear of God which our Army has always given to the world."

I have selected these two documents particularly because it cannot be expected that the representatives of the Catholic Church would like to sponsor aggressive wars or in any other way be sympathetically inclined to the criminal intentions of Hitler. These statements would have been impossible if the accusations of the Prosecution were true, that the criminal intentions of Hitler and the aggressive intentions of Hitler had been quite apparent.

THE PRESIDENT: The Tribunal would like to know what is the source of this telegram from the Archbishop, Frick No. 11.

DR. PANNENBECKER: I took the telegram, No. 11, from the Voelkischer Beobachter of 9 March 1936.

THE PRESIDENT: And the other one?

DR. PANNENBECKER: And the other one from the Voelkischer Beobachter of 26 March 1938.

No. 13 of the document book is part of a speech made by Frick, from which it can be seen that Frick had the same opinion. He states in that

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speech, and I quote:

"The national revolution is the expression of the will to eliminate by legal means every kind of external and internal foreign domination."

THE PRESIDENT: You gave that the number 13, did you?

DR. PANNENBECKER: Yes.

THE PRESIDENT: I beg your pardon. That should be 3.

DR. PANNENBECKER: Yes, that is what I wanted to say. I submit it as Frick Document No. 3.

THE PRESIDENT: Yes.

DR. PANNENBECKER: The defendant Frick has particularly been accused of his activity for the Verein fuer das Deutschtum im Auslande, a foreign organization, and in that the Prosecution saw a contribution by the defendant Frick for the preparation of aggressive wars. The actual opinion and attitude of Frick about the aims of that organization can be seen from Document No. 14, which will be Frick Exhibit No. 4, a speech made by Frick, and I quote:

"The VDA has nothing to do with aims of power politics or with questions of frontiers; it is and must be nothing more than a rallying point for the cultural German national aims of our fellow countrymen the world over."

In Document Frick No. 15 --

THE PRESIDENT (Interposing): Dr. Pannenbecker, I perhaps ought to say that in the index of this document book it looks as though the exhibit numbers were the numbers of the documents in the order in which they are put in the book, but that will not be so.

DR. PANNENBECKER: Yes, it won't be so.

THE PRESIDENT: That last document which you just put in as Exhibit No. 4 is shown in the book to be Exhibit No. 14, which is a mistake. It is Document No. 14, but not Exhibit No. 14.

DR. PANNENBECKER: Document No. 14, Exhibit No. 4.

THE PRESIDENT: Yes.

DR. PANNENBECKER: Document No. 15, Exhibit No. 5 is a decree of the Reich Minister of the Interior of 24 February 1933, which also is

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concerned with the problem of the work of the foreign organization, and I quote.

THE PRESIDENT: Has that not already been put in? I see it has a PS number.

DR. PANNENBECKER: It has a PS number, but it has not been accepted as probative material. I quote, therefore:

"Misery of the time,and for the lack of work and break within Germany, ought not to divert attention from the fact that the around 30 million Germans in foreign countries outside of the present contracted borders of the Reich are an integral part of the entire German people. They are an integral part, which the Reich Government is not able to help economically, but whose cultural support through the league primarily concerned with this, the League for Germandom in Foreign Countreis, it considers it is obligated to make possible."

In Documents No. 16 to 24 of the document book, which I do not have to read, I have listed the legal decrees which deal with the authority of the Reich Ministry of the Interior as a central office for certain occupied territories. The tasks of this central office, which had no command authority or executive authority for any occupied territories, have already been explaine by the witness Dr. Lammers, and these tasks are listed in detail in Document No. 24. I do not have to submit it in evidence. It is an official publication of the Reichsgesetzblatt and has already been submitted as 3080-PS.

Considering the fact that the central office had no command authority, we find in the Diary of Dr. Frank the confirmation that for the administration of his territory the Governor General had the only command authority. I do not have to quote this passage because it has already been submitted.

Police authority in the occupied territories was transferred to Reichsfuehrer SS Himmler, but Frick, as Reich Minister of the Interior had no connection with that, since that authority was given to Himmler alone in his function as Reichsfuehrer SS. That can be seen from Document No. 26 of the document book, which has also been submitted already as USA Exhibit 319.

The Prosecution furthermore accused the defendant Frick concerning the crimes committed in the Protectorate Bohemia and Moravia in August 1943, giving the reason that Frick, since August 1943, had been Reich Protector in Bohemia and Moravia. In

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this connection, I should like to point to the documents Nos. 28 and 29 of the document book, from which it can been seen that at the time of the nomination of Frick, the former authorities of the Reich Protector had been subdivided between a so-called German States Minister in Bohemia and Moravia who was immediately subordinate to the Fuehrer and Reichschancellor to take care of all government tasks, and the Reigh Protector Frich, who received some special authorities and essentially had the right only to make reprieves after sentences by the local courts.

Frick has also been accused of having had some responsibility for the political police, that is, the Secret State Police, the Gestapo, and the concentration camps. Until 1936, the tasks of the police were an affair of the individual states in Germany, and accordingly, in Prussia, Goering as Prussian Prime Minister and Minister of the Interior established the political police and the concentration camps. With those things, Frick, therefore, as Reich Minister of the Interior,had nothing to do.

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In the spring of 1934 Frick also became Prussian Minister of the Interior. Before that time, however, G oering by a law had taken care of the political police by separating it from the office of the Minister of the Interior and putting it immediately under the Prime Minister, an office which was held by G oering. The decrees have already been submitted by the Prosecution as 2104-PS, 2105-PS and 2113-PS.

The same condition can be seen from document Frick Number 30 in the document book, which has also been submitted as U.S.A. Exhibit Number 233.

First, Frick until 1936 in the field of the political police had only a general right of supervision, such as the Reich had over the individual states, individual provinces. He had no special right of command but just the authority to issue general directives and in document number 31 to 33 of the document book I have quoted such directives as Frick had issued. From number 31, which will be Frick Exhibit Number 6, I quote:

"In order to correct the abuses that have occurred in connection with the decree for protective custody, the Reich Minister for the Interior has determined in his directives of 12 April 1934 to the country governments and district governors, concerning the decreeing and execution of protective custody, that protective custody may be ordered only: (a) for the protection of the arrested person; (b) in case the arrested person, by his behaviour or especially by activities directed against the State, has directly endangered the public security and order. Therefore, the decree of protective custody is not admissible when the above-mentioned cases are not applicable, especially (a) against persons who merely make use of their public and civil rights; (b) against lawyers for representing the interests of their clients; (c) for personal affairs, such as offenses; (d) on account of economic measures, questions of salary, dismissal of employees and similar cases.

"Furthermore, protective custody is not admissible as a counter-measure for punishable actions because courts are competent in those cases."

THE PRESIDENT: What is the date of that?

DR. PANNENBECKER: That is a document which the Prosecution has submitted as 779-PS and it was taken from the files of the Ministry. There is no date on the document but it must have been in the spring of 1934, as

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can be seen from the first sentence of the document. The Voelkischer Beobachter mentions the same decree in its issue of 14 April, 1934. I have included that as document number 32 in the document book.

THE PRESIDENT: Dr. Pannenbecker, are you offering that as an exhibit or has it already been put in evidence?

DR, PANNENBECKER: No, it has not as yet been put in evidence. I offer it as Exhibit 6.

THE PRESIDENT: I am told the date is April 12.

DR. PANNENBECKER: Yes, it must have been shortly thereafter.

THE PRESIDENT: 12th of april, 1934.

DR. PANNENBACKER: Yes.

The Voelkischer Beobachter mentions that decree in its issue of 14 April, 1934. That is document 32 in the document book, which will be Frick Exhibit Number 7. I do not think I have to read it.

The same can be seen from Number 33 in the book, which will be Frick Number 8.

The same can be seen from Number 33 in the book, which will be Frick Number 8.

Document Number 34 in the book will be Frick Exhibit Number 8. It shows that the Gestapo actually did not heed the directives of Frick and that Frick was powerless in that connection. But the document still seems to be important to show that Frick tried again and again and had taken great pains to counter-act the abuses of the Gestapo, which however, with the support of Himmler was stronger than he himself, especially since Himmler had the confidence of the Fuehrer.

On the 17th of June, 1936, the affairs of the political police came under the competence of the Reich. Himmler was appointed Chief of the German Police and though formally attached to the Reich Ministry of the Interior, he was in fact like an independent police minister under the immediate authority of Hitler. He was privileged in the same manner as a minister to take care of his affairs in the Reichscabinet, That can be seen from document number 35 of the document book, an extract from the Reichs-gesetzblatt, a decree which has been submitted as 2073-PS. I do not believe I have to give it an exhibit number because it is an official publication.

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In that connection the Prosecution has submitted a document, 1723-PS, as U.S.A. Exhibit 206. I have an extract from this document. I have entered it as number 36 in the document book. I have to correct an error. That document is an extract from a book by Dr. Ley in his capacity as Reich Organization Leader. In that book Dr. Ley, to the officers of the Party, gives directives as to the cooperation with the Gestapo and at the end of the extract Ley reprinted a decree by Frick which shows how Frick had attempted to counter-act the arbitrary measures of the Gestapo. However, upon suggestion of the Prosecution of the 13/12/1 1945, the entire document had been read as if it were written by Frick and I should like to have that corrected.

Since Himmler and the commanders of the Gestapo did not heed the directives by Frick, Frick tried at least in individual cases to alleviate conditions in concentration camps and generally he was not successful. I should like to cite one example under number 37 of the document book. I am submitting a letter by the former Reichstag delegate Wulle, which he has sent to me without being asked for it. This letter will be Frick Exhibit Number 10 and I quote:

"He has as my former counsel told me, often tried to persuade Hitler to release me but without any result since it was Himmler who was in charge of the concentration camps. But I owe it to him that I have been treated in a comparatively decent manner at the Sachsenhausen concentration camp.

"He always stood among the Nazi demagogues by his objectively and reserve; he was a man who by nature disapproved any act of violence.

"Since the spring of 1925 I have been involved in a sharp struggle against Hitler and his party. This struggle has been fought passionately on both sides. All the more I appreciate Frick's attitude that despite this antagonism and in his comparatively powerless position with respect to Himmler, he tried everything to help me and my wife during the bitter years of my concentration camp emprisonmen

The Prosecution has asserted, according to the statements made by Blaha before this Tribunal, that Frick knew about the conditions at the concentration cam at Dachau since a visit in the first half of the year 1944. I therefore submitted an interrogatory by the witness Gillhuber, who accompanied Frick on all his trips

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THE PRESIDENT: Wait a moment, Dr. Pannenbecker. The Tribunal consider that they cannot entertain an affidavit upon oath from the defendant Frick, who is not going into the witness box to give evidence on oath, unless he is offered as a witness, in which case he may be cross-examined.

DR. PANNENBECKER: Yes, but the last document was not an affidavit by Frick, but by Gillhuber, a witness, who has received an interrogatory. It is number 40 of the document book. I am just informed that, by error, that exhibit has not been put into the book; that is, the translation is not in the book.

THE PRESIDENT: Oh. Well, tell us what it is.

DR. PANNENBECKER: It is an interrogatory, and the answers are by the witness Gillhuber. Gillhuber, for the personal protection of the defendant Frick, was present and accompanied him on all his official travels. In answering the interrogatory, he confirmed the fact that Frick hasnever visited the camp. The interrogatory, with the answers, still has to be translated and submitted in the translation. It is, however, contained in my book.

THE PRESIDENT: You may read the interrogatory, unless the prosecution have any objection to its admissibility, or the terms of it, because the interrogatory has already been provisionally allowed.

DR. PANNENBECKER: I read, then, from the Frick document number 40, which becomes Frick Exhibit No. 11, the following:

"Question: From when until when, and in what capacity, wereyou working for the defendant Frick?

"Answer: From the 18th of March, 1936, until the arrival of the allied troops on the 29th or 30th of April, 1945, as an employee of the Reich Security Service, for his protection, and I accompanied him.

"Question: Did you always accompany him on his travels for his personal protection?

"Answer: From 1936 until January 1942 not always, but since January 1942 I always accompanied him on all his trips and flights.

"Question: Do you know anything about the fact as to whether Frick, in the first half of 1944, visited the concentration camp Dachau?

"Answer: According to my knowledge, Frick did not visit the concentration camp Dachau.

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"Question": Would you have had to know it if it had been the case, and why would you have had to know it?

"Answer: I would have had to know it if it would have been the case. I was always close to him; and my employees would have told me about it, or reported about it, if, during my absense, he had left.

"Question: Do you still have the log book of the trips made, and can you present it now?

"Answer: Since about 1941 log books were never kept any more. Instead of that, monthly reports about travels were sent to the Reich Security Service in Berlin. The copies left in my office were, in April 1945, according to orders, burned with all the rest of the material.

"Question: Do you know whether the defendant Frick has ever visited the camp Dachau?

"Answer: To my knowledge Frick has never visited the camp Dachau.

"Moosburg, 23 March 1946." Signed, "Max Gillhuber". Signed, "Lenoard F. Dunkel, Lieutenant-Colonel, Infantry."

Concerning the problem of whether, at the occasion of an official visit to a concentration camp a visitor cannot always get a correct picture of local conditions, I ask to be permitted to read a letter which I received from a Catholic Priest, Bernard Ketzlick. I received this a few days ago, without having asked him for it. This letter, which I submit --

MR. JUSTICE JACKSON: Your Honor, the prosecution makes objection to this because it is a character of evidence that there is no way of testing. I have a basket of such correspondence making charges against these defendants, which I would not think the Tribunal would want to receive.

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If the door is open to this kind of evidence, there is no end to it.

This witness has none of the sanctions, of course, that assure the verity of testimony, and I think it is objectionable to go into letters received from unknown persons.

DR. PANNENBECKER: May I say just one thing about that? The letter was received by me so late that I did not have an opportunity to ask the individual to send me an affidavit. Of course, I am prepared to get such an affidavit afterwards if such an affidavit would have probative value.

THE PRESIDENT: The Tribunal think that the letter cannot be admitted, but an application can be made in the ordinary way for leave to put in an affidavit or to call the witness.

DR. PANNENBECKER: Yes. Then, at a later date, I will make a motion.

Document number 38 I shall not read, since that is a statement made by Frick and I refer, finally to an excerpt from the book "Inside Europe", by John Gunther which will become Frick Exhibit No. 12. It is under number 39 in the document book. This is a book which appeared, in the original, in the English language, and I therefore quote it in English:

"Born in the Palatinate in 1877, Frick studied law and became a Beamter, an official. He is a bureaucrat through and through. Hitler is not intimate with him, but he respects him. He became Minister of the Interior because he was the only important Nazi with civil service training, Precise, obedient, uninspired, he turned out to be a faithful executive; he has been called the only honest Nazi

The last document I should like to use is an extract from the book "To the Bitter End" by Gisevius. I believe I do not have to quote these passages individually because he himself will be heard here. This will become Frick Exhibit number 13.

There are still two answers to interrogatories by the witnesses Messersmith and Seger, which have not been received. I ask to be permitted to read these answers, as soon as I have received them, at a later date.

That finishes the presentation of documents, and I believe it is not necessary to call the witness now.

THE PRESIDENT: The Tribunal will now adjourn.

(A recess was taken untill 1400 hours)

File

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Herman Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany on 24 April 1946, 1400-1700, Lord Justice Lawrence presiding.

THE PRESIDENT: Are you prepared to call your witness, Dr. Pannenbecker?

DR. PANNENBECKER: Yes, Mr. President. I ask to be permitted to call the witness Gisevius, the only witness for Frick, and I have selected Dr. Gisevius as a witness to clarify conditions of political power in Germany because from the very beginning he has been in the opposition and I believe he is qualified to give the picture of the power constellation in the field of the police.

HANS BERND GISEVIUS, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q Will you state your full name?

A Hans Bernd Gisevius.

Q Will you repeat this oath after me: I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION.

BY DR. PANNENBECKER:

Q Witness, have you been a member of the NSDAP or one of its affiliated organizations?

A No.

Q Is it correct that you have personally heard of the happenings of July 1944 and that you have been at the OKW?

A Yes.

Q How did you get into the police service?

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A In July 1933, I made my state examination for law. As a descendant of an old family of civil servants, I applied for entry into the civil service in the Prussian administration. I belonged at that time to the German National Peoples' Party and the Steel Helmet and according to the concepts of that time, I was considered politically reliable; so, as the first station in my career as a civil servant, I was attached to the political police, that meant my entry into the newly-formed Secret State Police, the Gestapo. At that time, I was very happy that I was sent particularly into the police service. At that time, already, I had heard that all sorts of atrocities were occurring in Germany. I was inclined to believe that they were just the last events growing out of that situation very similar to civil war, which we underwent from the end of 1932 to the beginning of 1933; and I hoped to contribute, to be able to contribute to it, that now again a regular official authority should see for the obedience of the law, a decency. That happiness was of short duration. I was hardly more than two days in that new police office, when I had discovered already that incredible conditions existed there: that there was no police which interfered against perpetrations, against murder, against arrests, against burglary. There was a police organization which protected just those who committed such perpetrations. The arrested were not those who were guilty of such crimes, they arrested those who sent their cries for help to the police. It was not a police which interfered for protection but a police whose task, it seemed to be, was to hide, to cover up and to sponsor crimes, in fact, because those commandos of the SA and SS who played police, were encouraged by that so-called Secret State Police and all possible aid was given to them. The most terrible and best visible fact was to see how a system was of depriving people of their freedom, and it couldn't have been worse. The offices of th e new State Police had a tremendous building which was not sufficient to harbor all the captives. A special concentration camp for the Gestapo was installed and the names of those will remain for a terrible shame in history. They were Oranienburg and the private prison of the Gestapo, in the Paponstrasse, the Columbia House or, as it was called cynically, the "Columbia Diele,"(Columbia Hall).

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I would like to see to it that there should not be any misunderstanding compared to what we have experienced later, all of us; that certainly was just the beginning; but was how it began and I can only convey my personal impression by remembering one incident. Already, after two days, I asked one of my colleagues, who was also a professional civil servant--he was of the old--had been taken from the old political police into the new one, and he was one of those officials who were forced to belong to that office--so I asked him "Tell me, please; am I here in a police office or in a robber's cave?" The answer that I received was "You are in a burglar's cave and you can expect that you will see much more yet."

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Q. Under whom at that time was the political police?

A. The political police were subordinate to a Rudolph Dieltz. He also came from the old Prussian Political Police. He was a professional career civil servant and one should have believed that he still knew the old concepts of law and decency, but he was brutal, cynical, and determined to the last, and he was intent on forgetting his political past as democrat before the new power to be, and ingratiating himself with his new superior, the Prime Minister of Prussia and Minister of the Interior. It was he who invented the Gestapo office. He inspired Goering to issue the first decree to make these offices independent. It was Dieltz also who let the SA and the SS into this establishment. He covered and legalized the actions of these commandos. But it became evident to me very soon that so much injustice -- that one bourgeoise renegade could not commit all of it by himself; he had to have somebody behind him of importance to back him up; and quickly I also realized that day after day, every day, somebody was supervising everything which happened in that office.

Reports were written, telephone inquiries came. Dieltz reported several times daily, and it was the Prussian Minister of the Interior, Goering, who had established and considered that Secret State Police as his special instrument. Nothing happened during these months in that office that Goering did not know personally or ordered personally. I want to emphasize that fact, because throughout the years the public gained a different impression of Goering since he retired gradually from his official affairs. At that time, it wasn't that Goering who finally floundered in the morass of Karin Hall. At that time it was a Goering who personally looked after everything, and he had not yet come to the point where he was busy building Karin Hall or donning all sorts of uniforms or decorations. It was still a Goering in civilian clothes who actually was the Chief of an office, of an organization, who inspired it, and who stressed the fact that he wanted to be the Iron Goering.

Q. Witness, I believe you can be shorter on some points. As to what you said just now, do you know that of your own experience or where did you get that from?

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A. Not only from my own experience; I have heard and seen it and I have heard much from one individual who at that time was also a member of the Secret State Police and whose information will play an important part in the course of my statements.

At that time a criminal expert had been called into the Secret State Police. Probably the best known expert of the State Police, Oberregierungsrat Nebe. Nebe was a National Socialist. He had been in opposition to the former Prussian police and joined the National Socialist Party. He was a man who sincerely believed in the decency of the National Socialist aims and purposes; and so I saw how this man could find out first-hand what sort of game it was that was played and how he changed his mind.

I can also say here, because it is important to know for what reasons Nebe became a strong opponent and later went the path of opposition, until the 20th of July, and later suffered death at the gallows. Nebe at that time, August, 1933, received from Goering the order to arrest, to kill, a former member of the National Socialist Party, Gregor Strasser, by way of an automobile or hunting accident. That mission shocked Nebe to such an extent that he refused to carry it out and sent a request of that nature to the Reich Chancellory. The answer from the Reichschancellory was that the Fuehrer knew nothing about that mission. Thereafter Nebe was called to Goering, who reproached seriously to him that he had sent an inquiry about the defendant Goering. Still at the end of all these reproaches he preferred to promote him, because he though he would keep quiet.

The second thing which happened at that time, and which is very importan was that the defendant Goering gave so-called blanket authority for murder to the political police. At that time there were not only so-called amnesty laws which gave amnesty for atrocities afterwards, but there was a special la according to which investigations already underway by police authorities and by state attorneys could be quelled or supressed, under the condition, however, that in these special cases the Reichs Chancellor or Goering personally had to sanction it with their own signature. That law was used by Goering to give blanket authority to the Chief of the Gestapo where only the names of

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those about to be murdered were left open. That fact shocked Nebe so much that from that moment on he did his duty in the fight against that Gestapo. At our request he remained in the criminal police, because we needed one man at least who should keep us informed and who could keep us informed about police conditions in case our wishes for an overthrow would come true.

Q. Witness, what did you do yourself when you saw all these things?

A. I on my part attempted to reach those circles who on the basis of my connections seemed to be open to me. I went to various ministries: to the Prussian Ministry of Interior, to State Secretary Grauert, and several department heads. I went to the Reichsminister of Interior, to the Reichs Ministry of Justice, to the Foreign Office; and I went into the Ministry of War. Repeatedly I spoke to the Chief of the Army, General von Hammerstein, and of all connections which I made at that time one again is particularly important for my testimony. At that time I met in the newly founded Intelligence Department of the OKW a Major Auser (?)

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I gave him all the material which had been accumulated until then and we began with a collection, which we continued until the 20th of July, of all documents which we could get; and Oster is the man who from then on in the Ministry of War never failed in the case of every officer whom he could reach officially or unofficially to inform them. In the course of time by the favor of Admiral Canaris Oster became Chief of Staff of the Intelligence. When he was killed at the gallows he was general. But I consider it important to give testimony here already that, after all that this man has done, the unforgettable sacrifice against the Gestapo, against all the crimes which have been committed against humanity and peace, that I believe I can say that there was under the inflation of German field marshals and generals one German general.

Q How did the work continue in the Gestapo, as much as you could observe?

A At that time conditions in Germany were such that in the various ministries one was very receptive. There was still in the ministry the Reich President von Hindenburg. So it came that at the end of October, 1933, the defendant Goering was forced to submit deeds to the Chief of the State Police. At the same time a purge commission was installed in order to restore that institution from the bottom. According to the ministerial decree, Nebe and I were members of that commission. But that purge commission never met. The defendant Goering found ways and means to avoid that measure. He nominated, as chief and as successor for Dieltz, a worse Nazi than these had been, a man named Hinkler, who formerly had been acquitted in a trial for reasons of irresponsibility. And Hinkler carried it so far that hardly thirty days passed until he was dismissed, and now the defendant Goering felt free to recall Dieltz.

Q Do you know anything about the events which led to the Prussian law of the 30th of November, 1933, by which the tasks of the Gestapo were separated from the office of the Ministry of the Interior and put in together with the Prime Minister's office?

A That was the moment of which I speak, I believe. Goering realised that it would not serve his purpose if other ministries were too much concerned about his secret state police. Although he was Prussian Ministry of the Interior also, he was disturbed by the fact that the police department of the Ministry of the Interior in Prussia could look into the affairs of his private domain and thus he took the secret state police out of the framework of the police and

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subordinated it to himself personally, thereby excluding all other police offices and channels. From the point of view of any regulated police organizations, that was nonsense because you cannot create a political police by separating it from criminal police and order police. But Goering knew why he did not want any other police authority to look into the affairs of the secret state police.

Q Witness, did you remain in the police service yourself?

A On that day when Goering -- and I can't find another expression for it -- made his little putsch "Coup d'etat" by creating his own state police, that secret police issued a warrant of arrest against me. I expressedly had gone into hiding. The next morning I went to the Chief of the police department of the Prussian Ministry of the Interior, Ministerial Director Daluege, a high SS general, and remarked that "it doesn't seem to be right to have an arrest warrant against me."

A criminal commissar of the secret state police came in order to arrest me right there in the room of the Chief of the Prussian police. Daluege was kind enough to let me free through a back door to State Secretary Grauert, and Grauert intervened with Goering. As always, in similar cases, Goering was very much surprised and ordered a severe investigation. That was the expression used, meaning to say that such incidents were filed.

Then I was no more accepted in the secret state police, but sent as an observer to the Reichstag file trials at Leipzig. The last days of November I could make some observations about that dark affair, and since, together with Nebe, I had already attempted to find a clarification of that crime, I could supplement my knowledge there.

I assume that I shall be asked about that point again and, therefore, will limit my statements now only to say that I am ready, if it is necessary, to help Goering to refresh his memory about his knowledge and about his activities concerning this first coup d'etat and the doing away with others by murder.

Q On the 1st of May, 1934, Frick became Prussian Minister of the Interior. Did you get in touch with Frick himself or his ministry?

A Yes. Immediately after the Reichstag fire trials were over, that is at the end of 1933, I was dismissed from the police service and sent to East

Prussia to a Landrat office. I complained, however, about that apparent demotion to State Secretary Grauert, since he and Daluege knew about my quarrels with the secret state police. They got me into the Ministry of the Interior and assigned to me the task to receive all these reports, which still came by error to the Ministry of the Interior, to collect them, and to forward them to the Prussian Prime Minister and to the secret state police.

As soon as Goering found out about this, he intervened repeatedly against my presence in the Ministry, but the Minister of the Interior intervened and was successful in keeping me in that post.

When Frick came into that office, I did not get in touch with him immediately. I was quite a subordinate official there. But I assume that the defendant Frick knew about my activity and about my opinions, my point of view, because now I was encouraged to continue to collect all those requests for help which came to the Ministry of the Interior, and a large part of these reports I sent through official channels to Daluege, Grauert, and Frick. There was, however, the difficulty that Goering in his capacity of Prime Minister of Prussia had prohibited Frick, as his Minister of the Interior, to take cognizance of such reports. Frick without commentary was supposed to forward them to the Gestapo. I saw no reason to keep me from turning them over to Frick just the same and since Frick at the same time was Reich Minister of the Interior, and in that capacity could give directives through the provinces, that is to say, also to Goering. Frick accepted these reports, took cognizance of them in the Reich Ministry of the Interior, and tolerated the fact that they were sent by me with the request for a report to Goering. Goering intervened repeatedly, and I know that it came to severe disputes between him and Frick on that account.

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Q Do you have any knowledge about the fact that at that time on the part of the Reichsminister of the Interior certain directives were issued to limit protective custody?

A That's correct. It is correct that at that time quite a number of such directives were issued, but if I am to say that a great number of such directives were issued, that already includes that by way of principle they were not heeded by subordinate authorities.

The Reichsminister of the Interior was a minister with no personal executive power, and as an impression from my education as a civil servant, I will never forget that at that time in the Secret State Police we officials were directed principally not to answer any requests from the Reichsminister of the Interior. Of course at certain intervals the Reichsminister of the Interior sent requests. The cleverness of an official in the Gestapo was measured by the number of such protests which were received from the Ministry of the Interior in order to prove that he had not paid any attention to them.

Q On the 30th June 1934 it came to the so-called Roehm Putsch. Can you give us a short description of the conditions which preceded that Putsch?

A I have to say first that there was never such a thing as a Roehm Putsch. On the 30th of June there was only a Goering-Himmler Putsch. I am in a position to give some information about that dark chapter, because I was at the Police Department of the Ministry of the Interior, and I had to deal with that case and to see how at least the radiograms which were sent on that day by Goering and Himmler to the Police Offices of the Reich came into my hands. The last one of these radiograms said "Upon order from Goering all material about the 30th June has to be burned immediately."

At that time I took the liberty to put these papers into my safe, and to this day I do not know whether they survived the attempts of Kaltenbrunner or not. I still hope to find these papers, but if I do, I can prove that on that entire 30 th June not a single shot was fired by the SA. The SA did not commit a Putsch, whereas I do not wish to say a single word of excuse for the leaders of the SA. On the 30th June not a single SA leader died who had not deserved death a hundred times, but in a regular court proceeding.

Only the situation of a threatening civil war was such that on that 30th of June on one side the SA, headed by Roehm, was standing, and on the other side

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confronted by Goering and Himmler.

One had seen to it that the SA, several days before the 30th of June, was sent on a vacation. The SA leaders were precisely for that 30th of June called by Hitler to a meeting at Wiessee, and it is not common that people who want to march to a coup d'etat go to a meeting in sleeping cars. They were surprised at the

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railroad station and brought to the execution.

The so-called Munich Putsch happened in the following manner. The Munich SA did not rally at all, and at a distance of one hour by car from Munich the so-called traitors, Roehm and Heines, slept into their death without having the slightest idea that, according to the descriptions of Hitler and Goering on the previous evening, a Putsch alledgedly had occured at Munich.

The Putsch at Berlin could be observed by me very closely. It occured absolutely under exclusion of the public by the SA. We in the police offices did not notice anything. However, it is true that in one of the alleged main Putsches, t the Berlin SA Obergruppenfuehrer Karl Ernst, four days before the 30th of June came, very much worried, to the Ministerial Director Daluege, saying there were rumors flying around in Berlin that the SA contemplated a Putsch. He asked for a interview with Minister of Interior Frick so that he could assure Frick that there was no such intention.

Daluege sent me with that mission to the defendant Frick, and I witnessed a strange conversation where an SA leader assured a Minister of Interior that he did not intend to make a Putsch.

Ernst went on a recreation trip to Madeira. On the 30th of June he was taken from the steamer to Berlin for his execution, and I witnessed his arrival at the airport at Tempelhof, which seemed to me very interesting, because a few hour before I had already read the official report about his execution in the newspapers.

That, then, was the so-called SA Roehm Putsch, and as I do not want to conceal anything, I just have to add I was present when the defendant Goering informed the press about these events. At that occasion the bad word was uttered. He, the defendant Goering, for days had waited for a signal which he had arranged with Hitler, and then he had hit of course with lightning speed.

But he also had increased the scope of his mission. This increase of the scope of his mission caused the lives of a large number of innocent people. May I remind you only of the names of General Schleicher, who was killed, together with his wife; von Bredow, Klausner, Edgar Jung, and many others.

Q Witness, you were in the Ministry of the Interior yourself at that time. In what manner did Frick find out about these measures, and was he himself in any

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way active in the combatting of that so-called Putsch?

A I have experienced personally how at half past 9:00, Daluege came, pale, from Goering after he had been told what had happened. Daluege and I myself went to Gravert. We drove to the Reichsminister of Interior Frick. Frick jumped out of the room -- it may have been about 10:00 o'clock -- in order to drive to Goering and to find out there what had happened in the meantime, and at the same time to find out that he, as Police Minister of the Reich, was supposed to go home now and not to worry about anything further. In fact, Frick returned home, and during these two dramatic days he never set foot in the Ministry.

Once Daluege drove to him with me. For the rest, it was up to me as the youngest official of the Reich Ministry of the Interior on that Saturday and Sunday to inform the Ministry of the Interior of the Reich what atrocious events in the meantime had happened in Germany.

Q Witness, you told us just now about a directive which Frick had received not to bother about these things.

A As much as I know, Goering forwarded a directive from Hitler or told him about it. I do not know whether there was a written directive. Neither do I know whether Krick has asked about one. I should think that Frick at that time, on that day, thought it would be wise not to ask too many nosey questions.

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Q After these things had passed, did Frick attempt to modify the consequences in any way?

A In order to be able to answer that question correctly, I have to say first that on Saturday, the 30th of June, we at the Ministry of the Interior knew very little about what had happened. On Sunday, the first of July, we found out much more, and doubtlessly Frick, when these days had passed, had a clear picture of what had happened. He also, during these days, made no secret of his indignation that apparently murder and arrests had taken place.

In order to stick to the truth, therefore, I have to answer your question by saying that the first reaction of the defendant Frick of which I was to know, was that Reich law in which the Reich Ministers determined that the events of June 30 had been right. That law had extraordinary psychological consequences for further developments in Germany which cannot be separated from the history of German terror. On the other hand, much happened in the Third Reich that cannot be understood by a normal human being, and could only be understood in the regions of minister and state secretaries.

And so, I have to grant that after that law the defendant Frick attempted seriously to modify the most apparent hardships. Maybe he thought that in the Reich Cabinet other ministers should rather open their mouths.

I want to mention here Reich War Minister von Blomberg, who lost two generals who were shot, and who, in spite of it, had signed that law. I want to mention the name Blomberg with emphasis and ask to be permitted to interrupt myself in order to give information about an incident which occurred this morning. I was in the room of the defendants' counsel, speak- to Dr. Dix. Dr. Dix was interrupted by Dr. Stahmer, counsel for Goering. I heard what Stahmer told Dix.

DR. STAHMER: May I ask whether a personal conversation which I had with Dr.Dix has anything to do with the proceedings?

THE WITNESS: I am not speaking --

THE PRESIDENT: (Interposing): Don't go on with your evidence whilst the objection is being made.

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Yes, Dr. Stahmer

THE WITNESS: I didn't understand you.

DR. STAHMER: I do not know whether this is part of the proceedings, to speak here about a conversation which I had personally with Dr.Dix.

THE WITNESS: I --

THE PRESIDENT: Will you kindly keep silent.

THE WITNESS: Only one can speak at the same time. May I finish my information?

THE PRESIDENT: Keep silence, sir.

DR. STAHMER: This morning, in the room of the defense counsel, I had a personal conversation with Dr.Dix concerning the case Blomberg. That conversation was not intended to be heard by the witness. I do not know the witness, didn't even see him then, and I do not know whether this is part of these proceedings, if such a conversation should be made public.

MR JUSTICE JACKSON: This incident has been reported to me and I think it is important that this Tribunal know the influence,

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the threats that were made at this witness in the courthouse while waiting to testify here, that is, not only against him, but against the defendant Schacht.

Now, the affair was reported to me. I think it is important that this Tribunal know it. I think it is important that it come out. I should have attempted to bring it out on cross examination if it had not been told, and I think that the witness should be permitted to. These other parties have had great latitude here. This witness has been subjected to threats, as I understand it, which were uttered in his presence, whether they were intended for him or not, and I ask that this Tribunal allow Dr. Gisevius, who is the one representative of democratic forces in Germany, to take this stand to tell his story.

THE PRESIDENT: Dr. Stahmer, the Tribunal would like to hear, first of all, anything further you have to say upon the matter. They will then hear what Dr. Dix has to say if he wishes to say anything, and they will then hear whether the witness himself wishes to say anything in answer.

DR. STAHMER: I have no reservations about telling the Court clearly what I have said. Last night, I discussed the case with the defendant Goering and told him that the witness Gisevius --

THE PRESIDENT (Interposing): We don't want to hear any communications which you had with the defendant Goering, other than those you choose to make in support of your objection to this evidence that has been given.

DR. STAHMER: Yes, Mr. President, but it belong to it; if is part of it.

Goering Told me that whether Gisevius would speak against him was of no interest to him, but he did not want that Blomberg, who had recently died -- and I assumed it was only the question of the marriage of Blomberg -- he, Goering, did not want these facts concerning the marriage of Blomberg to be discussed here in public. If that could not be prevented, then of course Goering, for his part -- and it is only the question of Schacht because Schacht was expected to speak about these things -- would drop any consideration for Schacht.

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That is what I told Dr. Dix this morning, and I am sure Dr. Dix can confirm that.

THE PRESIDENT: We will hear you in a moment, Dr. Dix.

DR. STAHMER: I said -- and that was neither referring to Schacht nor to the witness nor to anybody present -- for reasons of professional ethics I would like to tell it to Dr. Dix. That is what I said and what I did. I didn't even know that the witness Gisevius was present at that moment. At any rate, it was not intended for him, and I know that I spoke with Dr. Dix on the side.

THE PRESIDENT: So that I may understand what you are saying, you say you had told Dr. Dix the substance of the conversation you had had with the defendant Goering, and said that Goering would withdraw his objection to the facts being given if the defendant Schacht wanted them to be given. Is that right?

DR. STAHMER: No, I have only said that it didn't matter to Goering what was said about himself, but as for Blomberg who is dead,

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he would not want that things concerning Blomberg's marriage should be discussed. If that could be prevented, if Schacht would not avoid that, then he, Goering, on his part, would drop any consideration for Schacht, would not have any consideration for Schacht.

That is what I told Dr. Dix.

THE PRESIDENT: Yes.

DR. STAHMER: As I said, that is what I told Dr. Dix, and that finished the conversation, and I emphasized to Dix that I only told him that for professional reasons, as one colleague to another.

THE PRESIDENT: Yes. That is all you wish to say?

DR. STAHMER: Yes.

DR. DIX: I believe I remember what happened as follows: This morning I was in the room of the defense counsel speaking to the Witness Dr. Gisevius. I believe my colleague Professor Kraus was there and took part in the conversation.

Then, my colleague Stahmer approached me and said he would like to speak to me and I said that at the moment I was in an important, hurried conversation with Gisevius, and asked if he couldn't speak to me later. Stahmer said no, that he would like to talk to me at once. Then, I probably stepped five or six paces to the side, leaving the group I had spoken to before, together with Stahmer.

My colleague Stahmer told me the following. It is quite possible -- I don't know whether he introduced what he said with the words that he was telling me this for professional reasons, as one colleague to another. If he says so now, I am sure that is how it was, but I don't remember it any more.

Stahmer told me, "Goering has the point of view that Gisevius may attack him as much as he pleases, but if he attacks Blomberg who is dead, the Goering will disclose everything against Schacht because he knows a lot of things which may be disagreeable for Schacht."

Stahmer said that Goering, making his statements, had been very reticent, but if the dead Blomberg should be attacked, then he would have to reveal things against Schacht. He said that he would mention things against Schacht.

That was the conversation. I cannot, with absolute certainty, say whether Stahmer told me he wanted Gisevius to know he had said that. If he says he did not say so, then it is certainly true and I believe him, but I could not understand that information any differently than that it meant I should notify Gisev

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about what Goering had said, and I had no doubt that that represented the intention of Goering and my colleague Stahmer, that, that was the purpose of the whole thing, because why else at that particular moment, should my colleague Stahmer, immediately before the testimony of Gisevius, while I was speaking with Gisevius, tell me that, and say he had no time, he could not wait, and I had to interrupt my conversation? Why should he tell me that, why else should he tell me of this calimity announced by Goering, except that Gisevius should know and should think it over before he made his statement?

I had no doubt that that was the purpose of Stahmer's information to me, to m make this information known to Gisevius. As I said, if Stahmer had not said here--and he certainly told the truth -- that he had not precisely told me so, then, if I had been asked, I would have said bona fide that he had told me,"Tell it to Gisevius," but no, no, I will not say that he told me. At any rate, there cannot be any doubt that that was the conversation, and I believed I acted according to the intentions of Stahmer in telling it immediately to Gisevius. He was only five steps away from me, or less, and I believe I understood him correctly to have sai that he heard parts of our conversation, so I also told him about the content of the conversation between Stahmer and me.

That is the incident of this morning.

DR. STAHMER: May I still say the following: Of course, I neither asked Dr. Dix to tell it to Gisevius, nor did I count upon it, but I just considered that Gisevius would be questioned this morning and that Dr. Dix would question the witness about the marriage relations of Blomberg. As far as I was informed of it before, Dr. Dix intended to put these questions to the witness. Therefore, I pointed out to Dr. Dix that then, when it came to it, he should abstain from such a question concerning the marriage relations of Blomberg.

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That was not intended for the witness and I know with all certainty that I told Dr. Dix that for professional reasons as one colleague to another I gave him that information and he said, "I thank you very much, yes." At any rate if he had told me, "I shall tell that to the witness", I would have said immediately, "Great God, that is only information which is intended for you personally."

I am very much surprised now that Dr. Dix has abused the confidence which I had in him in this manner.

THE PRESIDENT: Dr. Stahmer, we have heard the facts and we do not think we need hear anything more about it beyond considering the question as to whether the witness is to go on with his evidence.

BY THE PRESIDENT:

Q Witness, has the explanation which has been given by Dr. Stahmer and Dr. Dix sufficiently covered the matters with which you were proposing to deal with reference to Field Marshal von Blomberg? Is there anything further you need say about it?

A I beg your pardon. I believe I did not quite understand the question.

Concerning Blomberg, as to this point, I did not want to say anything but on the first occasion when the name Blomberg would be mentioned I intended to say that according to these conditions I felt put under pressure such as I have experienced, because I was standing so closely that I had to hear what Dr. Stahmer said and the form in which Dr. Dix told me about it, and I heard almost half of it and it could not be understood differently than to mean that Dr. Dix in a very loyal manner informed me as a witness for Schacht with reference to a very important point, to be rather reticent with regard to my statements.

That point will come up later and has nothing to do with the marriage of Herr von Blomberg. It has to do with the part which the defendant Goering played and I know quite well why Goering does not want me to speak about that affair. It is the worst that Goering has done, according to my judgment, and Goering is justusing the cloak of chivalry with which apparently he wants to protect a dead man, but in fact wants to prevent me from testifying to an important point, that is as to the Fritsch crisis.

THE PRESIDENT: The Tribunal will hear the evidence then, whatever evidence you wish the witness to give.

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THE WITNESS: I beg your pardon. What I have to say in this connection as to the case Blomberg is finished. The first time when that name was mentioned I wanted to --

THE PRESIDENT: Well then, counsel will continue his examination and you will give such evidence as is relevant when you are examined or cross-examined by Dr. Dix onbehalf of the defendant Schacht.

BY DR. PANNENBECKER:

Q Witness, after the events of the 30th of June, 1934, was the position of the Gestapo so strong that no measures against it could promise any results?

A I have to say no. The state police doubtlessly gained in power after the 30th of June but because of the many perpetrations committed on the 30th of June the opposition also, in the various ministries, against the Secret State Police had become so strong that in the case of a collective action the majority of ministries could have used that event of the 30th of June to eliminate the Secret State Police. I personally had tried to intervene in that direction repeatedly with the knowledge of the defendant Frick.

I approached the Minister of Justice, Guertner, and appealed to him repeatedly to use the large number of illegal murders as a reason for action against the Secret State Police. I also, personally, went to the Chief of the Armed Forces Office, von Reichenau, and told him the same thing. I know that my friend Oster had brought files in that connection to the knowledge of Blomberg and I wish to testify here that in spite of the perpetrations of the 30th of June it would have been possible quite easily, quite well possible, to return to law and order at that time.

Q On the part of the Reich Minister of the Interior, what was done thereafter in order to get the Secret State Police into legal channels?

A A struggle started against the Secret State Police in which we tried at least to block the way of Himmler in the direction of the Reich Minister of the Interior. Shortly before Goering had ceded the Ministry of Interior to Frick he had made Himmler Chief of the Secret State Police in Prussia. Himmler had attempted from that station of power to assume the police power in other provinces. Frick had tried to prevent that by expressing the opinion that as Reich Minister of the Interior he also had a voice in appointing police commissars in the Reich. Likewise, we tried to prevent an increase in power of

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the Secret State Police by systematically denying all requests for increases in the number of officials for the Gestapo. Unfortunately Himmler found a detour here also, as always. He went to the Finance Ministers of the provinces and told them that for the guard troops, the so-called Death Head Organization, he needed funds and he was determined that for every one inmate five SS men were needed as guards. With these means Himmler financed his Secret State Police, since it was quite up to him as to how many men he wanted to activate.

Also in other ways we attempted from the Reich Ministry of the Interior, with all means possible, to block the way of the Gestapo butunfortunately despite the many requests we sent to the Gestapo, they remained unanswered. Again it was Goering who covered Himmler whenever Himmler refused to answer our inquiries.

Finally, it came to a last attempt which was made during my term of office in the Reich Ministry of the Interior. We tried to paralyze the Secret State Police generally by introducing the right of supervision and complaint concerning prisoners in protective custody. If we would have achieved that we would have had the possibility of looking into the individual actions of the Gestapo. A law was formulated and this law first was submitted to the Ministerial Council of the largest of the provinces, namely Prussia. Again it was defendant Goering who, by all available means, opposed the passing of such a law. At the end of a very excited session of the cabinet as to that subject there remained only the demand that I should be eliminated from the Ministry of the Interior.

THE PRESIDENT: This will be a convenient time to break off.

(A recess was taken)

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THE PRESIDENT: Mr. Justice Jackson, the Tribunal wish me to say that it anticipates that you will put any questions which you think necessary with relation to the alleged intimidation of the witness when you come to cross-examine.

MR. JUSTICE JACKSON: Yes, sir; thank you.

BY DR. PANNENBECKER:

Q Witness, I should like to talk about the efforts which have been made by the Ministry of the Interior to fight against the wilful actions taken by the Gestapo, particularly with reference to the concentration camps, and stop them. I am, therefore, asking you to have a look at a memorandum which originates from the Reich Prussion Ministry of the Interior, and which is document 775-PS, which has been mentioned this morning in connection with the documents for Frick as Exhibit Frick No. 9. It is number 34 in the document book.

THE PRESIDENT: What number did you say it is?

DR. PANNENBECKER: Number 34. It is document number 775-PS; Frick Exhibit No. 9.

BY DR. PANNENBECKER:

Q Witness, don't you know that memorandum?

A No, I don't. It appears that this memorandum was made after I had left the Ministry of the Interior, something which I gathered from the fact that the Reich Minister had already given up the fight when the memorandum was written. He writes that it was to be principally clarified as to who would be responsible and, if necessary, the responsibility would now -- and I quote -- "have to be borne in all its consequences by the Reichsfuehrer SS who, in fact had already taken over the leadership of the political police."

At the time when I was at the Reich Ministry of the Interior, we tried particularly to prevent Himmler from taking over the political police; it was this last possibility which we wanted to exclude. This is evidently a memorandum written about six months later, when matters had deteriorated still further.

The facts which are quoted are known to me.

Q Can you say anything about this? What is the Case Buender and the Case Esterwegen?

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A So as to be as brief as possible, I shall talk about the case Esterwegen. It is one of many. So far as I can recollect, an SA or local leader was arrested by the Gestapo because he had complained about the conditions in the concentration camp at Papenbruck, and this wasn't the first time either.

I don't know just how the defendant Frick came to take up this case particularly, but at any rate one day Daluege showed me one of those customary handwritten slips of paper coming from Frick, stating what he had said to Himmler. Frick had written in the margin in large green letters, and told Himmler that here was a man, or some official of that type, who had unjustly been arrested, and that this man would have to be released at once. He said if Himmler did that sort of thing once again, he, Frick, would institute proceedings against Himmler for deprivation of liberty.

I remember this story very well, because it was somewhat peculiar, considering the police conditions which existed at the time. It was peculiar that Himmler should be threatened by Frick with a penality, and Daluege made some cynical remarks regarding Frick's action.

That is one case.

THE PRESIDENT: What was the date?

THE WITNESS: This must have happened in the spring of 1935, I should say, perhaps in March or April.

BY DR. PANNENBECKER:

Q Witness, do you know how Himmler reacted to that threat?

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A. Yes; there was another case and that is this other matter which is mentioned here. He reacted similarly to both and that is why I first of all, why I first of all mentioned the matter Puender in this case. In connection with Puender, we were concerned with a Solicitor in Berlin, the very respected Solicitor, the legal advisor of the Swedish Embassy. The widow of the Ministerial Director Klausner, approached Puender. She wanted to sue so that the life insurance companies would pay her her allowance, but since Klausner was supposedly committing suicide or had committed suicide that day, no chief of any insurance company dared to pay the money to the widow; consequently, the Solicitor had to sue; but then the Nazis had issued a law according to which all such awkward cases -- awkward for the Nazis -- were not to be heard before any court, and that they were to be taken to a so-called chamber of intervention.

If I am correct in my recollection, then this law was called "the law for the mediation of civil claims;" these governors were never short of names at that time. This law forced the solicitor to submit his claim before the court. He was apprehensive. At that stage, the Minister of the Interior approached the Secretary of State and they said that if I comply with the law and if I sue then I shall be arrested. The Secretary of State and the Minister of the Interior forced him to sue; so the very wise solicitor went to see the Minister of Justice and talked to the Secretary of State Freisler and he told him that he didn't want to sue, since he would most certainly be arrested by the Gestapo. The Secretary of State and the Minister of Justice informed him that he would have to sue, whatever happened, and that nothing would happen, since the court had been instructed to pass the case on without commentary to the chamber of intervention. So, now, the lawyer sued and the Gestapo arrested him forthwith for libel because he had stated that the Ministerial Director Klausner had not lost his life through suicide. This was for us a classical example of where we in Germany were drifting when protective custody was intorduced. I had taken the liberty to take out this case from amongst hundreds, or I should say thousands of similar ones, and to suggest to Frick that this matter should be made the cause of a particular step, particular

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intervention not only with Goering but in this case even with Hitler. At that time, I sat down and I wrote a letter or a report from Frick to Hitler, which went to the Ministry of Justice. There were more than five pages and from every possible aspect, I discussed the suicide of Klausner with the assistance of the SS and threw light upon the present suit which was coming up. This report to Hitler found its end when Frick wrote that now the time had come that the problem of protective custody should be examined by the Reich and from the point of view of its legal aspects.

And now I am coming to your question regarding what happened. You see, it was roughly the same time when Frick wrote to Himmler regarding the declaration of freedom. The two letters were taken to a meeting of Kreisleiters. They were the so-called ministers of the movement, and he put the question to them, whether it would be suitable that one Kreisleiter, that is to say, Frick, could write such letters to another Kreisleiter, that is to say, Himmler. The gentlemen present denied that and told him off. Then Himmler joined the meeting of the Prussian cabinet, during which the protective custody law, which I mentioned, was being discussed.

Perhaps I can draw your attention to the fact that at that time it was a rare thing that Himmler was allowed to join a meeting of Prussian ministers, because there was a time in Germany once -- and that lasted quite long -- when Himmler was not the powerful man which he became later on because of the cowardice and the retreat of the middle-class ministers and the generals. Thus, it was a rare thing that Himmler could join a meeting of Prussian ministers at all and at the end of that meeting, came my release from the Ministry of the Interior.

Q. Witness, I should like to quote to you from that memorandum which I have just shown to you; that is, 775-PS, and I shall read to you two sentences I should like you to tell me whether the facts are stated correctly. I quote: "In this connection, I draw your attention to the case of the lawyer Puender, who was only taken into protective custody together with his colleague because after inquiries had been made at the Ministry of the Interior and our ministry, he had filed a suit in which he was forced by a law."

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A. Yes, that is correct.

Q. And then the other sentence. I quote: I only quote the case of a teacher and Kreisleiter in Esterwegen, who was kept in protective custody for eight days.

THE PRESIDENT: Dr. Pannenbecker, where is that sentence that you have just read?

DR. PANNENBECKER: In the document book Frick, under No. 34, second sentence.

THE PRESIDENT: Which page?

DR. PANNENBECKER: In my document book it is page 80.

THE INTERPRETER: It is page 70, my Lord, in the book the translator has.

THE PRESIDENT: Are you speaking of paragraph 3 on page 70?

DR. PANNENBECKER: No. Mr. President, I have just discovered that that sentence in particular has not been translated from that document. Perhaps I may read one more sentence which has been translated. It can be found under 3 of the same document. "I cite here only the case of a teacher and Kreisleiter in Esterwegen, who was kept in protective custody for eight days, because he had sent a correct report, as proved afterward, to his district councillor on abuses by the SS".

A. Yes, that corresponds with the facts.

Q Witness, did you personally have any support from Frick for your personal protection?

A Yes. At the time the secret state police suspected me to such an extent that a lot of nasty things werebeing planned against me. Frick gave an order, therefore, that I should be protected in my apartment by the police of the district, and a direct telephone from my apartment to the police station was established. So that I had only to pick up my receiver if there were sudden visitors; and so that I could inform somebody. Furthermore, the Gestapo used their usual methods against me by accusing me of having committed criminal acts. Apparently, the files were taken to Hitler in the Reich Chancellory, but Frick intervened and it was soon discovered that this was a namesake of mine. And Frick used an ordinary telephone, saying that the so and so's, as he putit, had once more lied to the Fuehrer. The Gestapo, who were, of course, listening to this telephone call, considered that the signal to no longer use such methods as this.

Then we went one step further. Heydrich was good enough to inform me by telephone that I probably had forgotten that he would pursue his personal and political opponents to their graves. I made an official report of that threat to Frick, and Frick, either personally or through Daluege, intervened with Heydrich, andno doubt, he has rendered me a considerable service in that manner because Heydrich never liked it when his murderous intentions were talked about openly.

Q Witness, could a minister in the Reich at least remain calm about his own personal safety if he tried to fight against the terror of Himmler and the Gestapo?

A If you are going to ask me afterwards, then I must say that Schacht, after all, finished up in a concentration camp. But I must, also, say truthfully that we all asked ourselves just how quickly a minister, too, could be moved to a concentration camp. As far as Frick is concerned, as soon as 1934, he talked to me confidentially to tell me that the Reich Governor in Bavaria had given him reliable information, according to which he was going to be murdered on the occasion of a holiday in the country of Bavaria. And he asked me whether I couldn't find out the details. At that time my friend Nebe and I travelled together to Bavaria by car and we made a secret investigation which did, at any rate, prove so much that we know that such

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plans had been discussed. But, as I had said, Frick survived.

DR. PANNENBECKER: I have no further questions.

DR. DIX (Counsel for defendant Schacht): May I ask you to decide the following problem? I had called Gisevius, too. He is a witness called by me and this is, therefore, not a subsequent question which I am putting. I am examining him as my witness. I am of the opinion, therefore, that it would be right and suitable that I ought now follow the examination of my colleague Pannenbecker, and that my other colleagues, who also want to put questions, would follow me. Would the Tribunal be good enough to decide?

THE PRESIDENT: Are you the only other defendant's counsel who asked for this witness to be called on behalf of your client?

DR. DIX: I had called him.

THE PRESIDENT: Yes, I know, but are you the only defendant's counsel who asked to call him?

DR. DIX: I believe I am the only one who has called him, sir, yes.

THE PRESIDENT: Very well, Dr. Dix, you may examine him next.

BY DR. DIX:

Q Dr. Gisevius, lawyer Pannenbecker had already mentioned that you have published a book entitled "To the Bitter End." I have submitted quotations from that book to the Tribunal as evidence, and they have, therefore, been received as documentary evidence and accepted by the Tribunal. I now ask you for that reason: Are the contents of that book historically true and correct and did you write it only in accordance with your memory or isit based on notes you have made?

A I can say here that, to the best of my knowledge and my conscience, the contents of the book are historically true. In Germany, as far as it was at all possible, I have currently made notes, and I have already said here that my dead friend Oster in the Ministry for War had a considerable collection of documents, to which I had access at any time I wanted. No important matter, in which I quoted friends from my opposition group, have been written down by me without that I had repeatedly talked to them about it. And, since 1938, I have currently paid visits, and later on had on occasion official duties in Switzerland where I could continue my notes.

The volume which has been submitted to the Tribunal was completed in principle in 1941 and was submitted in 1942 to several friends of mine abroad.

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THE PRESIDENT: If he says that the book is true, that is enough.

BY DR. DIX:

Q Since when do you know the defendant Schacht?

A I know the defendant Schacht since the end of 1934.

Q On what occasion and under what circumstances did you meet him?

A It happened at the time when I worked in the Reich Ministry of the Interior and collected material against the Gestapo. I was being consulted by various parties, who had either had trouble with the Gestapo or were afraid of them. For instance, the former Minister for Economy in the Reich, Schacht, sent a man to me, his Plenipotentiary, Herbert Goering, in whom he trusted, and he asked me whether I would assist Schacht. He, Schacht, and for some time, felt that he was being persecuted by Himmler and the Gestapo and that he had lately had renewed and founded the suspicion that agents, or at least a microphone, had been planted in his own house.

I was asked whether I could help in this case, and I answered in the affirmative. I looked for an expert on microphones in the personnel administration, and the following morning I visited Schacht's Ministerial apartment. The microphone expert went from room to room with us and we didn't have to look for long. It had been done pretty badly at the time by the Gestapo. They had mounted the michrophone only too visibly and, over and abov that, they engaged a domestic servant who should spy on Schacht and who had a listening device attached to the house telephone connected to her own bedroom that was easily attainable. And, consequently, we could uncover the whole thing It was on that occasion that I first talked to Schacht.

Q And what was the subject of your conversation? Was it political?

A The material and the somewhat peculiar situation led to it, that situation in which we met. Schacht knew that I was strongly opposing and fighting against the Gestapo and I, in turn, knew about Schacht; that he was known because of countless utterances against the SS and the Gestapo. Many citizens and middle-class people in Germany had hopes in him of the only strong minister who might, if possible, protect them and, particularly, the economists who were important at the time were hoping that he would help and they often found his support, and so that nothing was more obvious and that the Reich on the occasion of that first discussion said that I, in turn, should tell him

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everything that was troubling me. The main problem at that time was the removal of the Gestapo and the removal of the Nazi regime. As far as that is concerned, our conversation was highly political, and Schacht listened to everything, making it possible to talk as openly as one could always talk to him.

Q And what did he say?

A I told Schacht that matters were rapidly drifting into radicalism and that I had doubts whetherat the end of that present course there wouldn't be an inflation and, considering that, whether it wouldn't be better if he, himself would bring about that inflation himself, since that would enable him to know the time for such a crisis beforehand; so that he could get in touch with the generals and the ministers in the Reich and consult with them regarding that crisis. I told him, "You should bring about that inflation; then you will have the power to act instead of having that taken away from you by others." He replied, "Look here; that's the difference which separates us. Youwant the catastrophe and I don't want it."

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Q From that one could draw the conclusion that at that time Schacht still believed that the catastrophe could be averted. Did he give you any reasons for those views?

A I think, first of all, the word "catastrophe" is too far reaching a conception. Schacht was thinking on the lines of established government relation, which temporarily had been altered by emergency laws and certain dictatorial measures. But as far as I could notice, and on the basis of all other conversations we have had, it seemed to me that he was still entirely adhering to the thoughts of a Reich government which met past revolutions and where the majority of the ministers was politically central and where, at a time which might be considered sooner or later, a radical change might happen.

Q What was his attitude towards Hitler at that time?

A There was no doubt for me that at that time he was still thinking of Hitler in good terms. I would almost like to say that at that time Hitler was an untouchable man for him.

THE PRESIDENT: What time are you speaking of?

THE WITNESS: I am now speaking of the period of our first meeting in 1934 and the beginning of 1935; end of 1934 and beginning of 1935.

Q What were you at that time? What was your occupation? Where did you work?

A I had succeeded in leaving the Reich ministry of the interior in the meantime, but had been transferred to the Reich criminal department, which was in the process of being founded at that time. When we realized that the Gestapo were extending their power, we needed some sort of police instrument apart from the Gestapo. We thought we could establish it. It would have to be the ordinary criminal police. My friend Nebe had been put in the position of the chief of th Reich criminal department, so that he could create a police instrument from the with which we might, if possible, resist the Gestapo.

I was given the task of organizing and was sent to this newly formed department so as to make suggestions regarding its construction.

Q I now slowly approach the year of 1936--the year of the Olympic Games. Di you have a special task?

A Yes. At the beginning of 1936 Helldorf believed that I ought to be given the task of heading the police staff for the Olympic Games in Berlin. That was entirely non-political and technical affair. The former police president, Count

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Helldorf, thaought that because of my connections to the ministry of the interior and ministry of justice this would be suitable. I assumed that post but Herr Reisen (?) discovered it and intervened.

Q Your book contains a letter from Heydrich, which I don't propose to read in its entirety. It is addressed to Count Helldorf. It explains just how you have always made every possible difficulty for the secret state police when you were active in the Reich and that the relationship had been a extremely unpleasant one. He continues: "I fear that his participation in the police preparations for the Olympic Games, even in the framework, would not be helpful for the co-operation with the secret state police, and it should therefore be considered whether Gisevius should not be replaced by another more suitable official. Heil Hitler. Your Heydrich."

H0115-0075

Is that the letter which reached you?

A Yes. That was the reason why I was also dismissed from that job, and I only had to wait a few more weeks and Himmler became the chief of the police in the Reich, and on the very day when he became the police chief I was at once completely released from my police service.

Q And where did you go?

A After my discharge from the police I was attached to the government in Muenster, where I was attached to the price control office.

Q Could you, being attached to that department in Muenster continue your political work and could you make the necessary contacts?

A Yes. I had a considerable opportunity to make official journeys. I made thorough studies, not only as far as prices were concerned, but also as far as the political situations in the Rhineland and Westphalia were concerned. I came to Berlin practically every week so as to keep in touch with my friends.

Q Were you in touch with Schacht?

A From that time on I met him very nearly every week.

Q Did you meet other persons in prominent positions, and were you in touch with them from Muenster in the sense of the work you were doing?

A Yes. One of the reasons why I went to Muenster was that the government president then Freiherr Luening, was a man of the old school--clean, correct, a professional civil servant--and politically a man who was keen on justice and order. He too ended on the gallows after the 20th of July.

I also got into touch with the government president of the district of Dusseldorf, secretary of state Schmidt, and almost immediately upon arrival in Muenster I tried everything to get in touch with the commanding general there, the later Field Marshal von Kluge. In this I succeeded. There too I tried at

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once to continue my old political discussions.

Q We shall touch upon the subject of General Kluge later. I shall now ask you: At that time when you were working in Muenster, could you discover a change in Schacht's views regarding the regime, and in particular regarding Hitler--those views which you have mentioned as existing in 1934?

A Yes. It was a steady process which took Schacht farther and farther away from the Nazis. If I am to show you the phases, then I would say at the beginning--that is to say, in 1935--he was of the opinion that only the Gestapo was evil and that Hitler was the man who was a statesman, or could at least become one, and that Goering was the conservative strong man whose services one ought to use and could use to fight against the terror of the Gestapo and establish orderly conditions.

I talked to Schacht passionately and contradicted his views about the Defendant Goering. I warned him. I told him that in my opinion Goering was the worst, particularly because he was hiding under the middle class and conservative cloak. I implored him not to make his economic policy with Goering, since this would take a bad end.

Schacht--against whom much might be said, but not that he is a good psychologist--denied this emphatically, and only when in the course of the years, in 1936, he had to see more and more that Goering was not supporting him against the Party, but that Goering was supporting the radical elements against him, only at that moment was there an increasing change in Schacht, which meant that from now on he would not only regard Himmler but Goering too, as a great danger, whereas Hitler was still the one man for him with whom one could make a policy, if the majority of the cabinet would succeed in gaining him for the side of right and order.

Q Are you now talking approximately of the period when Schacht was handing over foreign currency matters to Goering?

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A Yes. That was the moment when I warned him, and if I say that he became apprehensive about Goering, that he realized that Goering was not supporting him against the radical elements, then that is the case you are talking about.

Q Without that he had always given in by giving currency affairs to Goering, but if he was slowly gaining this new conviction, did he, even as early as that, have any positive thoughts regarding the bringing about of a change?

A Yes. He was entirely living in the same train of thoughts as so many people did, probably the majority of people in Germany, namely, that everything depended on a strengthening of the middle class influence, and that it would be one of the prerequisites that the ministry for war, headed by von Blomberg, should be brought over to the side of the middle class ministers. So that if you want to put it like that, Schacht had the very constructive idea that one would have to concentrate on the fight for Blomberg. It was that very point in which I agreed with him--the same battle which I had fought in my own modest way together with my friend Oster.

Q Did he do anything to achieve that end at the time? I give you the clue of the step taken by the vice-president of the Reichsbank.

A Yes. First of all he tried to establish close contact with the expert in the ministry of war. He was later chief of the army economic staff, General Thomas. Thomas was a man who right from the beginning was sceptical about the National Socialists, or who in fact opposed them. By a miracle he left th concentration camp alive. Schacht at that time began to fight fo Blomberg through Thomas. I did my share in that fight, because Schacht used me through Oster as an intermediary, and partly I was informed about channels through Herbert Goering and partly I learned of them from many discussions with Thomas. I can testify here that even at that time it was extraordinarily

H0115-0078

difficult to establish connections between Schacht and Blomberg, but I was naive enough to tell Schacht repeatedly to simply telephone Blomberg and ask him for an interview. Schacht replie that Blomberg would certainly evade the issue and that the only possibility that existed was that the conference should previousl be prepared through Thomas and Oster. This was done. I know how much we expected from the repeated discussions Schacht was having with Blomberg.

H0115-0079

I was of course not present as a witness, but we discussed these conferences in great detail at the time, and I took notes and was most pleased when I found that these recollections of mine tallied absolutely with recollections of Thomas about which I have handwritten notes in my possession.

Thomas was repeatedly reprimanded by Blomberg and was told not to bother him with such qualms on Schacht's part. He was told that Schacht was querulous, and that he, Thomas --

THE PRESIDENT: (Interposing): Is it necessary to go into all this detail, Dr. Dix?

DR. DIX: Well, I believe, your Lordship, that it will be necessary, because this very development of a convinced follower of Hitler to an absolute opponent and reactionary and conspirator against him is of course so complicated a process that I believe that the details of that development should not and could not be saved the Tribunal. I shall certainly be economic in all other matters, but I should be grateful if I would be given permission that this witness will be rather free. He is the only witness I have.

THE PRESIDENT: Well, the Tribunal things that you can give the essence of the matter without giving it in this great detail. You must try, at any rate, to give as little unnecessary detail as possible.

DR. DIX: I am certainly willing to do that.

BY DR. DIX:

Q. Well, then, Dr. Gisevius, you have heard the wish of the Tribunal, and you will no doubt yourself be in a position only to stress the relevant facts.

Then is there anything else on the affair of Thomas-Blomberg, or is that the end of that chapter?

A. No, I should then only give a brief description of the other channels which were used. I shall not do so, however, since the Tribunal does not wish it. But I will say that Schacht was trying to approach the supreme commander of the Army, Baron von Fritzsch, but since he too was difficult to approach, he sent his Reichsbank Vice President, Reinc, to establish the contact. Likewise, he made one great attempt to approach Fritzsch and Blomberg through

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General von Kluge.

Q. And, briefly, what was the goal, what was the aim of that action? What were the Generals supposed to do?

A. It was the aim of the action to make it clear to Blomberg that the course was steering towards the radical, and that matters, as far as economic affairs were concerned, were deteriorating and also that the Gestapo terror must be stopped.

Q. So that at the time there were economic considerations and the consideration of terror, no danger of war.

A. No, only the radicalism.

Q. We now turn to 1937. You know that that was the year of Schacht's dismissal as Minister of Economy in the Reich. Did Schacht talk to you and tell you why he remained in office as Reichsbank President?

A. Yes. I have heard in detail and experienced the fact about his release as Minister for Economy. On the one side there was an attempt of his to be released from the Ministry, and I think I am right in saying that this didn't happen very smoothly. Schacht told Lammers one day that if he didn't find himself in the possession of the official statement of his dismissal up to a certain date, he would in turn consider himself dismissed and inform the press accordingly.

On that occasion scores of people approached Schacht telling him not to resign. Just like always before, whenever a man in an important office wanted to resign, the question cropped up whether the successor might not steer an even more radical course. Schacht was implored not to leave since the radical would then gain momentum in the economic field, and I only mention the name of Ley as the head of the labor front.

Schacht replied that he would not assume responsibility, but that he was hoping that he, as Reichsbank President, as he expressed it, could keep one foot in. He meant by that that he was imagining that he would still be able to have a general picture of the economic situation, and that from the Reichsbank he would be able to introduce certain economic, political measures.

I can testify that Schacht was approached by many men who later became

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members of the opposition, who implored him to adopt that very attitude and to keep that one foot in.

Q. Was that decision of his not influenced by his attitude and his judgment about some of the Generals, particularly Colonel General Fritzsch?

A. Yes, that is quite right. One of the greatest disasters was the fact that so many people in Germany were imagining that Fritzsch was a strong man. I had experienced it again and again, that high ranking officers, but also high ministerial officials, told me that we could remain quite satisfied; Fritzsch was watching out; Fritzsch was only waiting for the right moment; Fritzsch would one fine day cause a revolt and end the terror.

General von Kluge, for instance, told me so authentically, and he was a close friend of Fritzsch, so we all lived in the completely wrong atmosphere where we imagined that one day the armed forces would revolt against the SS, instead of which the exact opposite occurred, namely, the bloodless revolt of the SS, which is the fanour Fritzsch crisis, at the end of which not only Fritzsch was relieved of his post but his entire armed forces leadership staff were beheaded, politically speaking, which meant --

Q. (Interposing): Forgive me if I interrupt you, but we shall come to the Fritzsch crisis later. At this moment -- this is of course 1938 --

A. Yes.

Q. At this moment, I should like to talk about Schacht's action in 1937 and exhaust it. It is mentioned in your book -- didn't some unsuccessful attempt and some journey to visit Kluge and a journey to Muenster, didn't that all play a part?

A. Yes, I had thought that I was supposed to be brief about that.

Q. Yes, please be brief.

A. There was a great effort on the part of Schacht to get in touch with Fritzsch. It wasn't possible to have a conversation in Berlin. It couldn't be arranged, and secretive steps were taken. It was arranged for Muenster, since General von Kluge was too scared to meet Schacht publicly at the time. There was a depressing to and fro, and the end result was that the two gentlemen couldn't find each other since it wasn't possible to bring together a minister in the Reich and a commanding general.

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Q Where were you at the time? What were you doing? Were you still at Muenster, or was there a change?

A I was still in Muenster at that time, but in the middle of 1937 Schacht wanted me to return to Berlin. You see, the more and more he found himself disappointed, the more he was inclined to listen to my warnings against an increasing radicalism and a revolt by the SS.

Towards Autumn 1937, matters in Germany had advanced to such an extent that every man amongst the opposition felt that nasty things were being prepared. We, at that time, thought that there would be another bloody 30th of June, and we were trying to protect ourselves. It was Schacht who got in touch with Canaris through Oster, to express the wish that I should be brought to Berlin one way or another. No official department, however, could be found whach at that time would offer me a post, and I had no other choice but to go on leave as a civil servant, stating that I was carrying out economic studies.

Schacht acted with Canaris' and Oster's agreement, and arranged that I should be given such a post in a factory in Bremen, but I wasn't allowed to show myself there, and so I came to Berlin to join exclusively those of my friends who were there, to be at their disposal.

DR. DIX: Your Lordship, we are now coming to January 1938, the Fritszch crisis. I do not think that it would be useful to interrupt that part of the witness' evidence, and if I may, I would suggest that your Lordship now interrupt the session, or we should have to have at least another half-hour.

THE PRESIDENT: Yes. Well, we'll adjourn now.

(The Tribunal adjourned until 25 April 1946 at 1000 hours).